Public Works and Safety Committee
Standing Committee Meeting Agenda
Monday, November 17, 2014
5:00 PM

Location:
Municipal Office Building
701 N 7th Street
Kansas City, Kansas 66101
5th Floor Conference Room (Suite 515)

Name | Absent
--- | ---
Commissioner Mike Kane, Chair | ☐
Commissioner Hal Walker | ☐
Commissioner Tarence Maddox | ☐
Commissioner Angela Markley | ☐
Commissioner Jane Philbrook | ☐
Jeff Bryant - BPU | ☐

I. Call to Order / Roll Call

II. Approval of standing committee minutes from September 15, 2014.

III. Committee Agenda

Item No. 1 - TEN RESOLUTIONS: AUTHORIZE VARIOUS CMIP PROJECTS

Synopsis:
Ten resolutions declaring the following projects to be necessary and valid improvements, and authorizing a survey of land for said projects, submitted by Bill Heatherman, County Engineer.

29th & Ohio Storm Sewer, CMIP 5040
Minnesota Avenue, 7th to 8th St., CMIP 1610
White Oaks Capacity 82nd & Haskell, CMIP 5043
12th/10th St. Bikeway, CMIP 1222
Item No. 2 - REDESIGN PLAN: KAW POINT CONNECTOR TRAIL

Synopsis:
Request approval of staff's action plan for an alternate design of the Kaw Point Connector Trail, submitted by Bill Heatherman, County Engineer. The redesign would allow the project to go forward at a cost that would be in line with the original KDOT grant and UG funding.
Tracking #: 140375

Item No. 3 - PROPOSED AMENDMENTS: ANIMAL CODE

Synopsis:
Proposed amendments to the Animal Code related to increasing the maximum number of animals, removing the Pit Bull prohibition, adopting a Trap Neuter and Release (TNR) policy, along with other changes, submitted by Jenny Myers, Legal. The proposed changes were recommended by the Animal Control Oversight Committee.
Tracking #: 140376

IV. Outcomes

Item No. 1 - UPDATE: FIRE STUDY

Synopsis:
Monthly update on the fire study, presented by Joe Connor, Interim Assistant County Administrator.

For information only.
Tracking #: 120155
Item No. 2 - OVERVIEW: COMPLETE STREETS

Synopsis:
Overview of complete streets, presented by Rob Richardson, Director of Urban Land Use and Development.

For information only.
Tracking #: 110073

Item No. 3 - OUTCOMES: GENERAL TOPICS

Synopsis:
The Unified Government Commission conducted a strategic planning session on November 1, 2014, resulting in the continuation of specific goals tying them into the county-wide survey previously conducted.

• Infrastructure
• Environment
• Public Safety
Tracking #: 120155

V. Adjourn
The meeting of the Public Works and Safety Standing Committee was held on Monday, September 15, 2014, at 5:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Kane, Chairman; Commissioners Walker, Markley, and Philbrook; and BPU Board Member Jeff Bryant. Commissioner Maddox was absent. The following officials were also in attendance: Joe Connor, Interim Assistant County Administrator; Jody Boeding, Chief Counsel; and Jason Banks, Assistant to Mayor/Manager.

**Chairman Kane** called the meeting to order. Roll call was taken and all members were present as shown above.

Approval of standing committee minutes for July 21, 2014. On motion of Commissioner Philbrook, seconded by Commissioner Markley, the minutes were approved. Motion carried unanimously.

Outcomes:

**Item No. 1 – 120155…UPDATE: PUBLIC WORKS PROJECTS**

**Synopsis:**  Update on current and 2015 Public Works Projects
2013-14 Public Works Construction-
Several Recently Completed
Construction Projects

Presentation by Bill Heatherman, Public Works
To the Public Works & Safety Standing Committee,
Sept 2014

Bill Heatherman, County Engineer, stated the presentation tonight is just a little snapshot of several of our recently completed construction projects. I believe the suggestion was made and we think it’s a great idea to come frequently to give you a little idea of what we’ve been working on, especially the projects that are completed. This is by no means a comprehensive list. It’s just the five projects that we wanted to share with you and we can take any questions that you may have.
This is a list of the five projects. Each of these has been completed in the last year, some very recently, some about a year ago. We’ll just take you through those.

Some of Our Recently Completed Construction Projects

- State Avenue Reconstruction- 83rd Street to 94th Street
- 51st and Kimball Avenue storm water drainage structure installations
- 67th and Parallel Parkway aerial sewer crossing
- 42nd Street and Metropolitan Ave.
- West Bound Kansas Avenue – 34th Street to 43rd Street (2013 KLINK)

State Avenue–83rd Street to 94th Street

Complete road resurfacing, installation of raised planter beds and landscaping, curb and gutter replacement, sidewalk repair and installation, and construction of retaining walls.
This was the federal aid assisted part. This was the Mid-America Regional Council grant project from an award about 2010. It continued on the spirit of what we had done to the east. It’s all completed now. We fixed the pavement and drainage issue that was brought to our attention.

We put in the landscaping scheme and we actually changed it up. There is a lot more colors of plants in this realm and new lighting including the LED lighting that we’ve been working on with BPU as a pilot effort. So far so good. It’s got the wide sidewalk on the north side that continues. You can go all the way from the college to 94th Street with that wide sidewalk. If you’ve been by there, you know we have another project across the street that’s going to get us closer to 98th Street with that same thing.

This is a storm drainage project. A culvert kind of crisscrossed cattycorner under a street so it was a little challenging to keep the streets opened while we replaced the old culvert that was there with the new one. Then did a lot of restoration, resodded, put the big inlets in and buttoned this back up pretty nicely. We got that project done late last year.
This is an aerial sewer crossing. You know when you need to kind of keep the gravity flow of our sanitary sewers somewhat even and you get to a creek. We don’t love doing this but sometimes you really have no choice but to keep that line up in the air. We were having problems with the previous aerial. We were concerned about breakage and contamination in the creek.

The thing about this project you can’t quite see it yet, the point was made, we spent a lot of money and nobody can see it and on our sewer work that’s kind of the point. We don’t really want it to be that visible. In order to make sure this stayed protected from the elements we used a fancy stream management plan. We threw a big word, geomorphology, in there. Basically, we designed this to fit with how mother nature wants the streams to behave. So instead of a lot of really heavy rock armoring all the bends, the way this whole stream is laid out is intended towards letting the vegetation, keep it stabilized and keep it much more natural than it was even before. This is one of our first, kind of new age projects, if you will, with our sanitary sewers in the streams.
This was a reconstruction. Provided the sidewalks, cleaned up a lot of storm drainage, sanitary sewers and miscellaneous items and really I think gave it quite a fresh look.

We’re doing also heavy maintenance. KLINK is a costshare program with the state of Kansas on those routes that are also state routes and it’s a very heavy reconstruction in place of westbound Kansas Avenue lanes between 34th and 43rd in our industrial areas.

That’s just a snapshot. Five projects that we wanted to bring tonight and we’ll keep bringing you more, but I would take any questions you might have.

**Commissioner Philbrook** stated I really do appreciate State Avenue. It looks really wonderful. I drive it all the time and I get a lot of comments and compliments on that.

The other thing is the job you did on 51st Street is phenomenal. That was such a mess. You guys did a good job up there. It really looks great and everybody seems to be really happy around that. Thank you.
BPU Board Member Bryant asked do you have a semi-timeframe for when Kansas Avenue project should be complete. Mr. Heatherman stated I’m not sure. It’s not a big project. It will be wrapping up here in a month I’m sure. BPU Board Member Bryant asked before winter. Mr. Heatherman stated, yes.

Chairman Kane stated I asked staff to present this to us and the reason being is a lot of people say when are my roads getting fixed. Well we’re over here working, we’re over there working, well we’re working nonstop. There is a schedule when things are to get done and not everyone seems to think that they get done as fast as they could but we appreciate your work, we appreciate the update.

Committee Agenda:
Item No. 1 – 140311…RESOLUTION: METROPOLITAN AVE. & 24TH ST.
Synopsis: A resolution authorizing a survey of land to be acquired for the Metropolitan Avenue and 24th Street intersection improvement (CMIP 9196), submitted by Misty Brown, Legal.

Bill Heatherman, County Engineer, stated basically we are rebuilding the intersection at 24th & Metropolitan paid for in part through the La Plaza Argentine Economic Development Funds. We are at that normal part in the project where we need to finish securing the right-of-way. We have one property owner. We actually hope to negotiate a conclusion. We just need a little strip of easement off the gas station that’s on the south side of the road there. In accordance with our normal procedures this resolution is what’s necessary in order to allow us to go through condemnation if that became necessary.

Action: Commissioner Walker made a motion, seconded by Commissioner Markley, to approve and forward to full commission. Roll call was taken and there were five “Ayes,” Bryant, Philbrook, Markley, Walker, Kane.
Robert Ferguson, 3021 Steele Road, stated I’m a lifelong resident of Wyandotte County and I’m here tonight to talk to you about the open burning limitations that we have in the county. I have three acres of land, it’s roughly heavily wooded and my son owns another three acres nearby that’s the same. There’s also eight acres of land that I take care of for absentee owners. The twice yearly burning once a month, I accumulate huge amounts of brush and leaves and that sort of thing.

Several months ago I talked to Ms. Murguia, my city councilwoman, about the idea of allowing open burning the first five days of the month instead of two thirty-day periods. It would be the same sixty days but it would be spread over a year. She told me that she knew that there would be some concerns with the EPA and the KSHD regarding this. She gave me the phone number of a gentleman by the name of Josh Tapp and Tom Grose, with the state group. I talked to both of these gentlemen and they were opposed to the idea of burning throughout the year particularly during the summer months because of the ozone situation. I can understand that and appreciate it. I have asthma. I have two grandchildren with asthma so I know what their trying to do but that doesn’t solve my problem with the burning. Fortunately, Mr. Grose put me in touch with Mr. Bruce Armstrong with your Health Department who’s in charge with the ozone pollution here. Mr. Armstrong explained to me that I could get special burning permits anytime during the course of the year provided the temperature was under 85 degrees and the ozone levels were low so that solves my problem.

I would still like to see some way that it could be spread over the entire year. Quite frankly, given the environmental and ozone concerns, I don’t see a way to do that. My problem is solved. I’ll leave the problem of the fact that it would probably be helpful to the community to spread this over a longer period to you although I have to tell you honestly I don’t see a way for you to do it. Mr. Armstrong has been kind enough to come here tonight and he told me that he would be happy to answer any questions you might have regarding this.

Bruce Andersen, Engineer Manager for Department of Air Quality, stated for the record it’s Andersen not Armstrong. Bob and I talked last week about a possible solution to his problem and
rather than open up the burning regulation and make some changes which could be a can of worms, I think I have some flexibility under the ordinance to grant special burn permits either when their agricultural or in the public interest. Since he is managing so much acreage out there, I think that I can work it out with him to issue special burn permits to clean up as long as they fit with our criteria and we don’t do it when the pollution levels are high or look like they’re predicted to be high.

**Commissioner Markley** stated this is an issue particularly in our Morris area, our more rural areas. They do have a lot of acreage and I agree with Mr. Ferguson, I only have one acre but still that brush piles up very quickly, particularly if you have a lot of trees so there does come a point where you’re looking at either the public nuisance of burning it or the public nuisance of having this big pile of wood. I appreciate you being here and you’re idea for trying to resolve the issue without maybe opening a can of worms and hopefully our residents know that there are burn periods they can take advantage of and that they are aware of the programs that we do have available.

**Commissioner Walker** stated on an annual basis I am fortunate in one respect that I have a truck and I can drive debris out to Deffenbaugh dump sites for vegetation. It’s not a situation most people or a lot of people don’t have. I don’t think our timing of burning is correct either. I got a lot of Oak trees in my neighborhood and I don’t get enough, it depends on the season and the weather of course but, a typical year the Oak trees have not dropped a significant number of their leaves by the end of the deadline in winter. I would agree with Mr. Ferguson, I think there are opportunities to permit burning at different times in the year, perhaps it’s just one weekend a month. I mean we take our hazardous waste one weekend a month for eight months a year. I’m assuming Deffenbaugh does something responsible with it and just doesn’t pick it up and dump it in the dump. We don’t need to be putting it in bags and putting it out on the curb and putting it into the landfill. I think we need to look at it, perhaps adjust the dates when burning is permitted to capture more of the waste. October 15th in a typical year, you haven’t got anything except what you have picked up during the summer. The leaves are turning, maybe some of the early trees have fallen, but it doesn’t correspond very well with nature at least in the fall. I would not be opposed to taking a critical look at it and then, Mr. Andersen, I would like to see the criteria be in the past I was under the impression through a couple of incidents that we had back in the day

**September 15, 2014**
when I was in the Legal Department where they had to set up burn curtains and it was not an easy process to get that permit and comply with the criteria that you referenced. Mr. Andersen stated the air curtain, the structure, that you’re referring to was primarily for commercial types of situations where. Commissioner Walker stated those were commercial. Mr. Andersen stated, yes, the land clearing for development where they had just a tremendous volume of trees. Commissioner Walker stated so an individual like me, if I had all I do is burn mine in an old style barrel. Mr. Andersen stated you would not need an air curtain structure. Commissioner Walker stated it poses very little risk with the hose and the amount of debris but it can be a number of barrel fulls before I burn it all. It’s not as big a priority I suppose as other issues that we are dealing with, but certainly, I really do not think that we allow burning in the fall when we need to allow burning.

Chairman Kane stated you know we have the flexibility to move those dates as far and that’s what Dennis did before and I’m sure Doug will do the same thing. If it’s too wet, for whatever weekend, we can expand that. Commissioner Walker stated I think on an annual basis it should at least go to December 1. Oak trees hold them even into January a lot of years but obviously you can’t – there’s a lot of other debris that accumulates but October 15 to November 15 you don’t capture all of the debris that’s coming down and then if we have an Indian summer, which it doesn’t look like we’re going to have, we’re going to have a lot of leaves on the trees to be raked up and bagged before or mulched.

Chairman Kane stated, Mr. Connor, can you take that back to Administrator Bach and tell him that we’d like to modify some of those dates. Commissioner Walker stated or to look at anyway.

Chairman Kane stated thanks for bringing it up because I didn’t know that we had special permits to do that. Commissioner Walker stated I didn’t either. Chairman Kane stated that gives us the next time somebody says something to us well we have Mr. Andersen to go to. We appreciate the fact that you brought this up because I didn’t know where this was going to go. Now we all have better information than we did in the first place. Thank you very much.
Outcomes:

Bill Heatherman

Item No. 2 – 120155…OUTCOMES

Synopsis:

Add:
Update on the Notice of Need for a fire study

Overviews/discussion of the next phase.

PWS outcomes presented at the following standing committee meetings:
Aug. 12, 2013
a. Infrastructure. Improve and finance infrastructure to comply with federal regulations, encourage private investment, and build community.
b. Environment. Ensure natural resources are protected to the maximum extent possible; opportunities for additional natural areas are pursued; and the park system is enhanced.
c. Public Safety. Provide the public's safety through best practices with results in lower crime rate, safer dwellings and businesses, and efficient court services.
d. Multimodal Transportation. Create a transportation system that moves people to where they want to go including work, services, and amenities.

Dec. 16, 2013
a. Infrastructure. Presentation on the upcoming application round for federal transportation funding administered by the Mid-America Regional Council, by Bill Heatherman, County Engineer. Staff estimates the UG is in a good position to be awarded $4-6M which would require local design and matching funds.
c. Public Safety. No discussion.

Jan. 13, 2014
Infrastructure. Presentation and discussion on a list of projects that staff considers good candidates from which to select projects for federal transportation funding, submitted by Bill Heatherman, County Engineer.

Action: No action

Chairman Kane adjourned the meeting at 5:18 p.m.
**Staff Request for Commission Action**

**Type:** Standard  
**Committee:** Public Works and Safety Committee

**Date of Standing Committee Action:** 11/17/2014  
*(If none, please explain):*

**Proposed for the following Full Commission Meeting Date:** 12/4/2014  
**Confirmed Date:** 12/4/2014

**Changes Recommended By Standing Committee (New Action Form required with signatures)**

<table>
<thead>
<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref:</th>
<th>Department / Division:</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/5/2014</td>
<td>Bill Heatherman</td>
<td>5400</td>
<td>bheatherman@wycokck...</td>
<td></td>
<td>Engineering</td>
</tr>
</tbody>
</table>

**Item Description:**

- Project Names: 29th & Ohio Storm Sewer – CMIP #5040
- Minnesota Ave., 7th - 8th St. - CMIP #1610
- 12th/10th Street Bikeway - CMIP #1222
- Leavenworth Road, 63rd to 38th St. - CMIP #1224
- Safe Route to School, Group D - CMIP #3334
- Safe Route to School Group E - CMIP #3335
- Westheight Benefit District - CMIP #1221

This Resolutions declares that these projects are a necessary and valid improvement projects. This Resolutions directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the properties to be acquired for this projects, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.

**Action Requested:**

To adopt the resolutions.

**Publication Required**

**Budget Impact: (if applicable)**

- **Amount:** $
- **Source:**
  - [ ] Included In Budget
  - [ ] Other (explain)
RESOLUTION NO. __________________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the 29th & Ohio Storm Sewer Project (CMIP 5040), project.

BE IT RESOLVED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land and easement necessary for construction, maintenance, operation, use and repair and/or reconstruction of existing stormwater facilities in the Mattoon Creek Watershed.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF __________________, 2014.

____________________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

____________________________________
KENNETH J. MOORE
Deputy Chief Counsel
RESOLUTION NO.__________________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Minnesota Ave., 7th – 8th Street (CMIP 1610), project.

BE IT RESOLVED BY THE COMMISSIONERS OF THE UNITED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land and easement necessary for construction, maintenance, operation, use and repair of certain street and intersection improvements.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNITED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF _______________________, 2014.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____________________________________
KENNETH J. MOORE
Deputy Chief Counsel
RESOLUTION NO._____________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the **White Oaks Capacity 82nd and Haskell (CMIP 5043)**, project.

BE IT RESOLVED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land and easement necessary for construction, maintenance, operation, use and repair and/or reconstruction of existing stormwater facilities.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF ____________________, 2014.

_____________________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____________________________________
KENNETH J.MOORE
Deputy Chief Counsel
RESOLUTION NO.________________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the 12th/10th Street Bikeway (CMIP 1222), project.

BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land and easement necessary for construction, maintenance, operation, use and repair certain street improvements.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF ____________________, 2014.

________________________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

________________________________________
KENNETH J. MOORE
Deputy Chief Counsel
RESOLUTION NO.____________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Central Avenue and 18th Street Intersection (CMIP 1223), project.

BE IT RESOLVED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land and easement necessary for construction, maintenance, operation, use and repair certain street and intersection improvements.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF ____________________, 2014.

________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

________________________
KENNETH J. MOORE
Deputy Chief Counsel
RESOLUTION NO. _______________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Leavenworth Road, 63rd to 38th Street (CMIP 1224), project.

BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land and easement necessary for construction, maintenance, operation, use and repair certain street and intersection improvements.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF ____________________, 2014.

________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

________________________
KENNETH J. MOORE
Deputy Chief Counsel
RESOLUTION NO.__________________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Route 107 Bus Stop and Station Upgrades (CMIP 1225), project.

BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land and easement necessary for construction, maintenance, operation, use and repair certain street and sidewalk improvements.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF __________________, 2014.

____________________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

____________________________________
KENNETH J. MOORE
Deputy Chief Counsel
RESOLUTION NO.____________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Safe Routes to School, Group D (CMIP 3334), project.

BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land and easement necessary for construction, maintenance, operation, use and construct new and replacement sidewalks and make other pedestrian walkway improvements for Hazel Grove Elementary, at Cleveland Avenue and 67th St; Midland Trail Elementary, at 51st and Locust Ave.; and Frank Rushton Elementary, at 43rd Ave. and Fisher Ave.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF ________________________, 2014.

__________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

__________________________
KENNETH J. MOORE
Deputy Chief Counsel
RESOLUTION NO.________________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Safe Routes to School, Group E (CMIP 3335), project.

BE IT RESOLVED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land and easement necessary for construction, maintenance, operation, use and construct new and replacement sidewalks and make other pedestrian walkway improvements for T.A. Edison Elementary, at 10th and Locust Ave.; Noble Prentis Elementary, at 14th and Gibbs Road; and William Allen White Elementary, at 44th and Rowland Ave.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF ____________________, 2014.

____________________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

____________________________________
KENNETH J. MOORE
Deputy Chief Counsel
RESOLUTION NO.____________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the Westheight Benefit District (CMIP 1221), project.

BE IT RESOLVED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land and easement necessary for construction, maintenance, operation, use and repair for certain street, curb and sidewalk improvements.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF ____________________, 2014.

____________________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

______________________________
KENNETH J. MOORE
Deputy Chief Counsel
Staff Request for Commission Action

Tracking No. 140375

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 11/17/2014

Proposed for the following Full Commission Meeting Date: 11/20/2014
Confirmed Date: 11/20/2014

Changes Recommended By Standing Committee (New Action Form required with signatures)

Date: 11/4/2014
Contact Name: Bill Heatherman
Contact Phone: 573-5416
Contact Email: Bheatherman@wycokck....
Ref: 
Department / Division: Public Works

Item Description:
KDOT recently accepted bids for the Kaw Point Connector Trail. The bids all came back substantially higher than the engineers estimate and beyond the UG’s budget for this facility. The primary issue related to unexpectedly high costs for construction of the ramp section that would take pedestrians and cyclists from the Fairfax/Minnesota Ave Bridge above down into the park. Staff and consultant have a concept for redesign that would allow the project to go forward for a cost in line with the original KDOT grant and UG funding. Information and sketches will be presented.

Action Requested:
Approve staff action plan for alternate design.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:

Included In Budget

Other (explain) Policy action by Commission.
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 11/17/2014
(If none, please explain):

Proposed for the following Full Commission Meeting Date: Confirmed Date: 12/4/2014
12/4/2014

Changes Recommended By Standing Committee (New Action Form required with signatures)

Date: Contact Name: Contact Phone: Contact Email: Ref: Department / Division:
11/5/2014 Jenny Myers 5084 jmyers@wycokck.org

Item Description:
Amendments to the Animal Code related to increasing the maximum number of animals, removing the Pit Bull prohibition, adopting a Trap Neuter and Release(TNR) policy, along with other changes.

Action Requested:
Approval of the proposed changes to the Animal Code as suggested by the Animal Control Oversight Committee to go to full commission for adoption.

Publication Required

Budget Impact: (if applicable)

Amount: $  
Source:  
☐ Included In Budget  ✔ Other (explain) Policy action by Commission.
ARTICLE I. IN GENERAL
Sec. 7-1. Definitions.
Sec. 7-2. Penalty.
Sec. 7-4. Enforcement generally.
Sec. 7-5. Written notice requirements.
Sec. 7-6. Rules, regulations and fees.
Sec. 7-7. Obstructing enforcement.
Sec. 7-8. General entry powers of enforcement officers.
Sec. 7-9. Implied consent to entry upon private property for enforcement.
Sec. 7-10. Consent to seizure to abate suffering.
Sec. 7-11. Consent to removal of rabies suspect animal.
Sec. 7-12. Dead animals.
Sec. 7-13. Wild or exotic animals prohibited.
Sec. 7-14. Commercial animal establishment—Compliance with local codes.
Sec. 7-15. Same—Standards.
Sec. 7-16. Excessive animal noise.
Sec. 7-17. Property damage.
Sec. 7-18. Running at large—Prohibited; exceptions.
Sec. 7-19. Same—Violations.
Sec. 7-20. Animals putting person in fear.
Sec. 7-21. Storage of hides.
Secs. 7-22—7-45. Reserved.

Sec. 7-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care means normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal. Grooming of animals is also required so that they are free from dangerous matting and nail overgrowth which can affect their health and may be painful.

Adequate food means supplying at suitable intervals (not to exceed 24 hours) of a quantity of wholesome foodstuff, suitable for the animal species and age, and sufficient to maintain a reasonable level of nutrition in each animal.
Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

Adequate health care means the provision to each healthy animal of all immunizations and preventative care required to maintain good health, space adequate to allow the animal rest and exercise sufficient to maintain good health, and the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

Adequate shelter means a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, condition and age of the animal which provides access to shade from direct sunlight and respite from exposure to inclement weather conditions.

Adequate water means a continual access to a supply of clean, fresh, potable water.

Animal means any live vertebrate creature except a human.

Animal control director means the program coordinator of the unified government animal shelter and/or his designee.

Animal control officer means an officer or employee of the office of director of animal control, and officer or employee of the unified government public health department, whose duties involve the enforcement of the provisions of this chapter, or an officer of the police department.

Animal euthanasia means the humane destruction of an animal that may be accomplished by any of those methods authorized by K.S.A. 47-1718.

Animal shelter means the facility or facilities operated by the unified government or its authorized agent for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Cat means any member of the species, felis domesticus.

Commercial animal establishment means any pet shop, grooming shop, auction, riding school, stable, kennel, guard dog service, dog trainer, animal dealer, or any establishment performing one or more of the principal activities of the aforementioned establishments.

Dog means any members of the species, canis familiaris.

Ear-tipped feral cat means a cat that is unsocialized to humans and has a temperament of extreme fear or resistance to contact with humans that exhibits a straight-line cutting of the tip of its ear to indicate that it has been sterilized and vaccinated against rabies.

Fowl means any animal that is included in the zoological classification Aves.

Health director or director of health means the director of the unified government public health department. The term includes the director's authorized representative.

Person means any owner or individual having the right of property in any animal, who keeps or harbors an animal, who has it in his care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupied by such person. Native wildlife remaining on or about any premises shall not be included in this definition.

(Code 1988, § 7-1; Ord. No. O-22-03, § 1, 6-5-2003)

Cross reference—Definitions generally, § 1-2.
Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

Sec. 7-2. Penalty.

(a) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction of any such violation, shall, unless another specific penalty or specific penalty range be provided by another subsection of this section, be punished by a fine of not less than $50.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.

(b) Any person violating any of the provisions of sections 7-14, 7-16, 7-17, 7-212, 7-218, 7-261, 7-266 or 7-267 shall, upon conviction and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

1. First offense, $50.00.
2. Second offense, $100.00.
3. Third offense, $150.00.
4. Fourth or any subsequent offense, $600.00.

(c) Any person violating any of the provisions of sections 7-15, 7-79, 7-109 or 7-218 shall, upon conviction and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

1. First offense, $300.00.
2. Second offense, $500.00.
3. Third offense, $750.00.
4. After the first or any subsequent offense, the court may, in its discretion, revoke the license for the animal(s), or remove the animal as provided by section 7-78. Fourth or any subsequent offense, $1,000.00.

(d) Any person violating any of the provisions of section 7-106 shall, upon conviction, be punished by a fine of not less than $350.00 nor more than $500.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.

(e) Any person violating any of the provisions of sections 7-7, 7-15, 7-18 or 7-213, 7-214, 7-215, or of this chapter shall, upon conviction, and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

1. First offense, $100.00.
2. Second offense, $200.00.
3. Third offense, $500.00.
4. Fourth offense, or a conviction of section 7-215(f)(5), the court may, in its discretion, impose a fine, revoke license for the animal(s), and/or order the director of animal control to remove the animal from the residence to the unified government shelter for disposition as provided by this chapter.

(f) Any person violating section 7-215(e) shall, upon conviction, be punished by a fine of not less than $500.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.
Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

180 days, or by both such fine and imprisonment. The court may, in its discretion, revoke the license for the animal(s), or refuse to return the animal(s) back to the owner, keeper, or harborer. In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, and veterinary care necessitated by the enforcement of this article.

(g) Any person violating section 7-217 shall, upon conviction, be punished by a fine of not less than $500.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment. Violation of section 7-217 shall constitute a misdemeanor. Upon conviction of keeping a dangerous animal, the Municipal Court Judge may order restitution be paid to the victim up to the maximum amount allowed by law. The owner of a vicious animal shall pay all costs associated with impoundment, removal, or euthanasia of said animal. The owner shall pay any other associated costs incurred.

(hg) Each day's violation of or failure, refusal or neglect to comply with any provision of this chapter shall constitute a separate and distinct offense.

(ih) Court costs shall be imposed as authorized by ordinance.

(i) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person complete a responsible owner training session and/or orientation specified by the court.

(Code 1988, § 7-2; Ord. No. O-22-03, § 1, 6-5-2003; Ord. No. O-45-05, § 1, 6-2-2005)


(a) Whenever any dog animal is found running at large in violation of section 7-18 section 7-215(c), the animal control officer finding such dog animal may take its license number, if such dog animal is wearing a collar with an identification tag as is required in section 7-265, and may take any other information the dog animal is wearing which may identify its owner. This section does not apply to unowned ear-tipped feral cats.

(b) The officer who finds an animal dog running at large may sign a complaint against the person identified as the dog animal's owner, keeper or harborer pursuant to subsection (a) of this section. If a complaint is signed, then a notice to appear shall be served upon such identified owner in accordance with section 23-17. If the owner fails to appear as required in the notice to appear, a warrant shall be issued for that person's arrest. In any prosecution charging a violation of section 7-18 section 7-215(c), proof that the dog animal described in the complaint was in violation of such section, together with proof that the defendant named in the complaint was at the time of such violation the licensed owner of such dog animal, shall constitute prima facie evidence that the licensed owner of the dog violated section 7-1215(c). The foregoing stated presumption shall apply only when the procedure as prescribed in this section has been followed.

(Code 1988, § 7-3; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-4. Enforcement generally.

Except where otherwise provided, it shall be the duty of the supervisor of animal control, with the assistance of staff and police, to administer and enforce the provisions of this chapter. It shall be the duty of the police to assist the director of animal control and the staff of the director of animal control with their enforcement efforts, and the police shall have full authority to enforce the provisions of this chapter.

Wyandotte County - Unified Government, Kansas, Code of Ordinances  Page 4
Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

Sec. 7-5. Written notice requirements.

The written notice requirements of this chapter that must be complied with prior to a hearing before the animal control supervisor shall be deemed sufficient if the notice is served upon the person personally or if it is sent by registered or certified mail to the person's last known address. If the notice cannot be conveniently served by the aforesaid, service of notice may be made upon person by at least one publication in the official newspaper of the city. Such publication shall contain the reason of notice and the date, time and place of hearing.

Sec. 7-6. Rules, regulations and fees.

The county administrator may, with approval of the unified government board of commissioners, adopt rules and regulations necessary for the administration of this chapter, including regulations establishing impoundment, adoption fees, boarding and handling fees, and all other such fees as are required by this chapter.

Sec. 7-7. Obstructing enforcement.

No person shall willfully obstruct any animal control officer engaged in the performance of official duties from performing such official duties.

Sec. 7-8. General entry powers of enforcement officers.

(a) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director of animal control or director of health's authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or violation which creates an unsafe, dangerous or hazardous condition, the director of animal control or director of health or the authorized representative of the same may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the director of animal control or director of health by this chapter; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the director of animal control or director of health or the authorized representative of the same shall have recourse to every remedy provided by law to secure entry.

(b) When the director of animal control or director of health or the authorized representative of the same shall have first obtained a proper search warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the director of animal control, the director of health, or the authorized representative of either for the purpose of inspection and examination pursuant to this chapter.
Sec. 7-9. Implied consent to entry upon private property for enforcement.

In the interests of animal control ordinance enforcement, animal rescue, and open violation enforcement, any person keeping or harboring any animal in this city by so doing does thereby authorize the director of animal control, the director of health, the representatives of either, or a police officer to enter without warrant, when there are exigent circumstances, upon private property, except inside any residential structure, of such person who owns or controls where such animal is found, in plain sight, for the purpose of enforcement of this chapter and to seize such animal from the private property to abate an ordinance violation.

(Code 1988, § 7-9; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-10. Consent to seizure to abate suffering.

By the authority of the city to so provide, and by the authorization stated in section 7-9, any animal that is deemed by the director of animal control to be neglected or abused in violation of this chapter and suffering may be seized from the property of its owner or keeper to abate the suffering of that animal, and such animal may be confined at the shelter for disposition under the terms of this chapter.

(Code 1988, § 7-10; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-11. Consent to removal of rabies suspect animal.

Any animal that has possibly, through a bite wound, exposed a person to rabies and that is found on the property of its owner or keeper may be removed from that property by the director of animal control if such owner or keeper is not available, willing, and able to surrender the animal for the observation or testing required by this chapter. By keeping such animal in the city, the owner or keeper consents to and authorizes removal under such circumstances to the animal shelter.


Sec. 7-12. Dead animals.

(a) Responsibility if director of animal control. The director of animal control shall be responsible for the removal of all dead animals found within the city except as otherwise provided in this section. In this section, "dead animal" shall mean an animal not killed for food or no longer fit for food.

(b) Removal—Large dead animals. All large dead animals shall be removed and legally disposed of by the owner or proprietor of the premises within 12 hours after the death of such animal. If not so removed, such animal shall be removed by the city at actual cost to the property owner or proprietor. Charges for dead animal removal are due and payable upon billing by the unified government. The unified government may refuse to collect dead animals for failure to pay previous billings. Failure to pay for dead animal removal as provided shall constitute a violation punishable by fine as delineated in section 7-2.

(c) Same—Small dead animals. Animal hospitals, commercial animal establishments, laboratories and other similar places where animals are kept for commercial or scientific purposes shall maintain, for a period of one year, records on the death and disposal of all birds and mammals in their care. Such records shall include the type of animal, cause of death (if known), method of disposal and such other information as specified by the supervisor. Dead animals shall be removed from such establishments and submitted for postmortem examination by a licensed veterinarian, state or federal laboratory, or such other person as approved by the director, or disposed of by incineration, burial or other approved means.
Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

(d) **Access to property.** On occupied property, the owner or the tenant of such property shall provide easy access to the subject animal for purpose of its removal.

(e) **Leaving on streets, etc.** No person owning or having possession of the carcass of any animal not to be used for food shall permit the same to remain in or upon any street, sidewalk, park, or public ground.

(f) **Burial.** Burial of animals shall only be permitted at pet cemeteries licensed by the city, or such other places for which a special permit is granted by the health director.

(g) **Transportation.** It shall be unlawful for any person to transport or remove any dead animal or the carcass of any dead animal along any street, avenue, alley, lane or other highway within the city, unless the same is transported or removed, loaded upon a wagon, truck or other vehicle of conveyance. Any person transporting or removing any dead animal or the carcass of any dead animal, except game animals, such as deer, commonly carried over the hoods of cars, upon any wagon, truck or other vehicle shall completely cover such dead animal with a canvas or some other complete and secure cover so as to entirely conceal the same from view and to prevent the escape of odor.

(Code 1988, § 7-12; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-13. Wild or exotic animals prohibited.

(a) No person shall keep or permit to be kept on such person's premises any wild or exotic animals for exhibition purposes, whether gratuitously or for a fee, or as a pet. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or veterinary clinics that are properly licensed by the state or the federal government. In no case, however, shall such wild or exotic animals be exhibited or displayed in such a manner that persons other than their handlers can pet, fondle, or otherwise come in direct physical contact with such animals. A wild or exotic animal is a nondomesticated animal or any animal which can normally be found in the wild state, excluding unowned ear-tipped feral cats, rabbits, ferrets, gerbils, hamsters, mice, guinea pigs, small amphibians, nonpoisonous snakes less than six feet in length, laboratory rats which have been bred in captivity and which have never known the wild, birds and fish normally kept as pets, raptors for the purpose of falconry in accordance with the state department of wildlife and parks regulations, K.A.R. 115-1-1 and K.A.R. 115-14-10. In addition, those monkeys that were kept as pets within the city as of December 31, 1992, or any monkeys that are currently being used as service animals, as defined by the Americans with Disabilities Act of 1990, may be kept by their current owners; provided that the monkeys are kept in proper living facilities and pass a health examination. The term "monkey," as used in this section, is defined as Old World and New World monkeys, as distinguished from those animals commonly referred to as apes or baboons. The owner of a monkey must obtain a health certificate for such monkey that states that the animal is disease-free and in good health. These animal owners, including those with service animals, must have their facilities certified by the animal control department. Monkeys must be kept in these facilities at all times. No monkeys will be allowed to be kept within the city except those kept as service animals or as pets within the city as of December 31, 1992, and certified by March 1, 1993.

(b) Any person who keeps a wild, exotic, or vicious animal in contravention of this section may dispose of the animal by removal of the animal from the city by giving or selling the animal to a zoological park or by releasing the animal to the supervisor of animal control. The director of animal control may release the animal to the wild or to a zoological park.

Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

Sec. 7-14. Commercial animal establishment—Compliance with local codes.

All commercial animal establishments located within the city shall comply with all zoning regulations, building codes, licensing and occupation tax requirements of the unified government.

(Code 1988, § 7-14; Ord. No. O-22-03, § 1, 6-5-2003)

Cross reference— Licenses, permits, and miscellaneous business regulations, ch. 19.

State law reference— Pet animal act, K.S.A. 47-1701 et seq.

Sec. 7-15. Same—Standards.

Any person operating a commercial animal establishment shall keep and maintain the animals and all structures, pens or yards in which the animals are kept in such a manner as to prevent a nuisance or health hazard to humans and to avoid injury to such animals. All cages and holding areas must be properly sanitized so as to keep the animals enclosed therein free of disease. All such caged animals shall be provided with an adequate daily supply of wholesome food and water. All disease-infested animals shall be isolated from healthy animals and treated to prevent the spread of disease or euthanized, and if the owner or keeper fails or refuses to provide such, the supervisor of animal control may remove such animals to the unified government shelter for disposition as provided by this chapter.


Sec. 7-16. Excessive animal noise.

(a) No person shall own or keep any animal that, by making excessive noise, disturbs a neighborhood.

(b) The following definitions and conditions shall be specially applicable to enforcement of this section:

(1) Excessive noise means and includes any noise produced by an animal that is so loud and continuous or untimely as to disturb the sleep or peace of a neighbor.

(2) Neighbor means an individual residing in a residential structure that is within 200 yards of the property on which the animal is kept or harbored.

(Code 1988, § 7-16; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-17. Property damage.

It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate thereon.

(Code 1988, § 7-17; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-18. Running at large—Prohibited; exceptions.

(a) It shall be unlawful for any person owning, keeping or harboring any animal to permit, suffer or allow the animal to run at large within the city. For the purpose of this section, any animal shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harboring to run at large when found outside the residence structure of the owner, keeper or harboring and not effectively physically
Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

restrained on a chain or leash or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

(b) A person with a disability using an assistance dog as defined in K.S.A. 39-1113 shall be deemed to be in compliance with subsection (a) of this section.

(c) Official use of dogs by any governmental unit shall be deemed in compliance with subsection (a) of this section.

(d) An owner, while participating in or training for obedience classes or trials, shall be deemed to be in compliance with subsection (a) of this section. Evidence of this shall be shown by the fact that the dog and owner are going through standard obedience exercises, the owner has a leash on the owner's person, and the dog is under immediate control. The dog's tags must be readily available on the owner's person.

(e) Any animal on the property of its owner or keeper that is roaming free or that is not effectively physically restrained shall be deemed in violation of this section and may be removed from that property to the animal shelter.

(f) Dogs shall not be considered effectively physically restrained behind a suitable fence if the only restraining device is an electric fence. An electric fence is defined as a fence that shocks an animal or person upon the person or animal touching it.

(g) A dog shall be considered effectively physically restrained behind a suitable fence if restrained by an electronic fence and an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's keeper's, or harborer's property. The collar may be controlled manually by a person or automatically in a predetermined manner. Dogs confined to residential property of the owner, keeper, or harborer, by an electronic fence or an electronic collar, shall not be permitted to be nearer than ten feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the front yard of an owner's, keeper's or harborer's property. No dog having been found a dangerous or vicious animal, as defined by section 7-215, shall be confined by an electronic fence or an electronic collar. All owners, keepers, or harborers of dogs who use an electronic fence shall clearly post their property to indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Electronic collars may not be used to control a dog when it is off its owner's, keeper's, or harborer's property.

(h) In order to comply with this section, any electronic fence or electronic collar must be approved by the unified government animal control division. In order to obtain approval, the owner, keeper, or harborer must submit for approval the following information:

(1) The name of the owner, keeper, or harborer;

(2) Identification of all animals to be restrained by said electronic fence or electronic collar;

(3) A diagram reflecting the location of any electronic fence;

(4) The owner, keeper or harborer shall be required to post signs or notices to clearly indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Said notices shall be posted in such a manner as to notify the public of the location and boundaries of any electronic fence.

(i) Cat control. All cats must be under the control of their owner, keeper or harborer at all times. For the purpose of this section, a cat shall be considered not under control and in violation of this section in the following situations:

(1) If a neighbor complains orally or in writing to the owner, keeper or harborer of a cat that the cat is entering upon the neighbor's property, then the cat's presence on the neighbor's property at any time subsequent to the neighbor's complaint shall constitute a violation of this section;
Chapter 7 - ANIMALS

ARTICLE I. IN GENERAL

(2) If a cat causes injury to persons or animals;

(3) If a cat causes damage to property other than its owner's, keeper's or harborer's property, including, but not limited to, breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, flower bed, plant, shrub or tree in any manner or defecating or urinating upon any private property.

(Code 1988, § 7-18; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-19. Same—Violations.

(a) Upon a person's conviction for a third time involving the same animal in any 12-month period of section 7-18(a)—(d), the supervisor of animal control may, after written notice of time and place is given to such person, hold a hearing to determine whether or not such person's license to keep the animal involved shall be revoked. In making the determination as to whether or not a person's license to keep a animal shall be revoked, the director of animal control shall consider the following:

(b) (1) Whether or not such person knowingly permitted such animal to run at large; and

(c) (2) The conditions under which such animal is to be kept and maintained (i.e., if the animal is to be maintained in a manner that would prevent such animal from running at large in the future).

(b) It is unlawful for a person to keep, harbor or maintain the animal involved in the violations within the corporate limits of the city when that person's license to keep the animal has been revoked by the supervisor director of animal control pursuant to this section.


Sec. 7-20. Animals putting person in fear.

No person shall own, keep or harbor any dog or other animal that, by jumping upon or threatening persons upon public streets, shall cause persons to be put in reasonable fear of injury. This section shall apply to animals while being walked on leashes, and the unprovoked attack by an animal on a leash upon any person shall constitute an assault or battery by the person holding the leash and failing to prevent such an unprovoked attack by the animal.

(Code 1988, § 7-20; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-21. Storage of hides.

No salted or green hides shall be stored in any warehouse or other building or other place within the city so that odors arising from the hides shall annoy or disturb the occupants of the premises in the vicinity thereof. The maintaining of such hides in such condition is a public nuisance.

(Code 1988, § 7-21; Ord. No. O-22-03, § 1, 6-5-2003)

Cross reference—Health nuisances, § 17-31 et seq.

Secs. 7-22—7-45. Reserved.
ARTICLE II. IMPOUNDMENT

Sec. 7-46. Generally.
(a) Any animal determined by Animal Control to be in violation of Chapter 7 may be impounded. Any animal may be impounded which:
   (1) Molests any passerby or chases passing vehicles, including bicycles.
   (2) Attacks any other animal.
   (3) Is in heat and not properly confined as provided in section 7-218.
   (4) Is at large in violation of sections 7-18(a)–(d), 7-261 or 7-326.
   (5) Damages public or private property.
   (6) Makes excessive noise as defined in section 7-16.
   (7) Causes injury to people.
   (8) Threatens or causes a condition which endangers public health.
   (9) Impedes refuse collection by ripping any bag or tipping any container of such.
(b) If an owner or keeper is present and able to take control of such animal in lieu of impoundment, a notice to appear may be issued to that person, and the person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other provision of this chapter.

Sec. 7-47. Animal pound records and reports.

The director of animal control shall keep accurate account of all animals received at the pound and released to the owner or purchaser, showing the date and from whom received, the description of the animal, the name and address of the person releasing or purchasing. The director shall keep a like accurate account and description of all animals destroyed and an accurate and complete account of all monies received during the months under the provisions of this chapter, together with a statement of the number of animals in the pound on the first of the month, the number received, the number destroyed, the number released or adopted, and the number on hand at the end of the month.
ARTICLE II. IMPOUNDMENT

Sec. 7-48. Registration of persons delivering animals to shelter.

(a) The director of animal control shall not receive an animal into the shelter from any person unless:

(1) Such person shall submit proof of identification; and

(2) Such person shall give full name and place of residence, which shall be registered in a proper book kept by the director of animal control.

(b) It shall be unlawful for any person delivering to or receiving any animal from the shelter to give any false information concerning the same. Any animal given to the shelter by its owner, harborer or keeper for disposition shall be held at the shelter for three working days, during which the animal may be adopted subject to the requirements of section 7-51, or upon the expiration of which the animal may be destroyed in a humane manner.

Sec. 7-49. Notification of capture.

After the impoundment of any animal where a notice to appear has not been issued to the owner or keeper, the director of animal control shall promptly notify the owner of such animal of its impoundment if the owner can be determined and located by reasonable investigation; however, no liability shall attach to the city or to the director of animal control or his staff for failure to give such notice. The owner of an impounded animal who does not redeem the animal may still be proceeded against for violation of any applicable provisions of all applicable ordinances.

Sec. 7-50. Impoundment fee; release from pound.

(a) An animal impounded with no identification and which is not living evidence in a pending case or subject of an open investigation of a violation of Article III, shall not be disposed of by Animal Control until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the animal through time periods ordinarily accepted as usual business hours. During such time of custody, Animal Control shall attempt to notify the owner or custodian of any animal maintained or impounded if such owner or custodian is known or reasonably ascertainable.

(b) Such an animal may be released to the legal owner, moved to a veterinary hospital for treatment or observation, or euthanized if it appears to the Director of Animal Control or its veterinarian that the animal is suffering, diseased or disabled beyond recovery. The owner, keeper, or harborer shall remain responsible for all penalties for violation of any of the provisions of this Chapter. The animal shall not be released without the payment of an impoundment fee in the amount established by the city administrator, or any other fee established by the city administrator or animal control. After the expiration of the holding period established in subsection (a), the governing body of a political subdivision regulating the operation of a pound shall have ownership of such animal and shall determine the method of disposition of any animal.

Any animal held or impounded in the animal shelter because of a violation of any of the provisions of this chapter by its owner may be released to the owner thereof by the director of animal control upon proof of ownership of such animal and upon presentation of the license for the current year showing that
such animal has been properly licensed; furthermore, upon either showing proof, in the form of a certificate issued and signed by a licensed veterinarian or other person authorized by law to administer rabies inoculation, that such animal has been properly inoculated for rabies as required by section 7-213, or by depositing a rabies vaccination fee with the director to be forwarded to the veterinarian upon presentation of a valid rabies vaccination certificate for such animal, in which case the owner's failure to obtain a valid rabies vaccination certificate and tag within three days shall constitute a violation of this section; and further, upon the payment of an impoundment fee in the amount established by the city administrator together with an administrative and handling fee as may be charged by the animal shelter. The owner shall remain responsible for all penalties for violation of any of the provisions of this chapter. All animals not found with tags that identify their owner that have remained in the shelter three working days without being claimed or released may be destroyed in a humane manner or released for adoption.

(Code 1988, § 7-40; Ord. No. O-22-03, § 1, 6-5-2003)


Sec. 7-51. Adoption of animals.

An animal held at the animal shelter for three working days and not redeemed by its owner, or five working days if the animal is found with tags which identify its owner, and which is neither vicious nor in a dangerous condition of health may be released for adoption or transfer to a Kansas licensed animal shelter or rescue organization, subject to the following conditions:

(1) The adoptive owner shall agree in writing to furnish proper care to the animal in accordance with this chapter.

(2) Such person pays all required fees, including any medical care costs incurred during impoundment.

(23) In the case of an animal capable of sexual reproduction, such person shall deposit a prepaid neutering or spaying fee as established by the county administrator redeemable for neutering or spaying of the animal at any local veterinary clinic with a current cooperative agreement with the unified government for such services. As an alternative to the prepaid neutering or spaying fee, the adoptive owner may make a deposit equal to the prepaid neutering or spaying fee, refundable upon furnishing evidence that such animal has been rendered sexually unreproductive by any veterinarian of the adoptive owner's choice.

(4) A written agreement is signed by the adoptive owner to render any adopted animal sexually unreproductive within 30 days of adoption or upon the animal attaining sexual maturity, whichever event last occurs. Failure to perform the agreement shall be a forfeiture of the deposit and the animal control director may require the return of the adopted animal to the animal shelter.

(Code 1988, § 7-41; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-52. Destruction of impounded animal.

The director of animal control shall not destroy, or cause or permit to be destroyed any animal impounded until the expiration of impounding time limit of three working days or five working days if the animal is found with tags which identify its owner, except that the director of animal control may, when an animal so impounded has been examined by a licensed veterinarian and found by such veterinarian to be suffering from an injury or disease from which recovery in the veterinarian's judgment is doubtful, destroy such animal in a humane manner.

Chapter 7 - ANIMALS

ARTICLE II. IMPOUNDMENT

State law reference— Euthanizing animals, K.S.A. 47-1710, 47-1718.

Secs. 7-53—7-77. Reserved.

--- (2) ---
State Law reference— State regulation of animal shelters, K.S.A. 47-1704 et seq.
ARTICLE III. ANIMAL PROTECTION

Sec. 7-78. Municipal court hearing on complaints.

(a) An animal control officer may, if a complaint has been signed against an individual pursuant to any provision of section 7-79, precedent to or after the individual has been convicted of violation of such section, sign an affidavit petitioning the municipal court judge to immediately take custody and control of such animal if it appears to the director of animal control that it would be in the best interest of such animal to be seized by the municipal court.

(b) The municipal court judge, upon receiving such affidavit and petition, shall set the matter involving the custody or control of an animal for hearing within ten days from the date that the petition and affidavit are filed. If it appears from the affidavit that the life of the animal is in immediate jeopardy, then the court may set the hearing as soon as practical. The owner or person having control or custody of such animal shall be provided notice of the hearing by serving such persons with a summons to appear; such summons shall be served in the same manner as is required for serving notice to appear pursuant to section 23-17.

(c) The municipal court judge, after a hearing has been held, may order that an animal be seized and placed in the custody of the director of animal control if the following findings are made:

1. The person summoned to appear is the owner or person having possession or custody of the animal in question.

2. That there is probable cause to believe that a violation of any provision of section 7-79 has occurred or is occurring and, based upon the violation, it appears that it would be in the best interest of the animal to remove that animal from the possession and custody of the owner of the animal or the person having possession or custody of the animal.

(d) If an order is issued by the municipal court judge ordering that such animal be seized and brought into custody, then the director of animal control shall take such animal into custody and shall inspect such animal, care for or treat such animal or place such animal under the care of a licensed veterinarian for treatment, boarding or other care. If it appears, as determined by the director of animal control or by a licensed veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, then such animal may be destroyed humanely as soon thereafter as is conveniently possible in accordance with K.S.A. 21-6412(e) 47-1701 et seq.

(e) Unless the animal obtained pursuant to this Section is required to be kept as evidence for a pending prosecution, or is being held for the protection of the animal during the pendency of a pending prosecution, the owner or keeper of an impounded animal shall have a maximum of ten (10) days after the animal is taken into custody to obtain the animal from the veterinarian or the animal control facility having custody of the animal. The veterinarian or the Director of Animal Control shall provide written notice to the owner or keeper of the animal, if known or reasonably ascertainable, when time will expire to retrieve the animal. The failure of the owner or keeper to obtain custody of the animal,
ARTICLE III. ANIMAL PROTECTION

or an owner that is unknown or not reasonably ascertainable, in the time provided shall provide the authority of the Director of Animal Control to dispose of the animal by adoption or euthanasia.

(f) If the owner, keeper, or harbore is charged with a violation of this section, and the animal is being kept past the ten (10) days allowed in subsection (e) as evidence for the pending prosecution or for the protection of the animal from the owner, keeper, or harbore, the City may petition the Municipal Court to be allowed to place the animal for adoption or euthanize the animal at any time after 21 days after the owner or custodian is notified that a renewable case or performance bond must be filed with the city clerk in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Upon receiving such petition, the Municipal Court shall determine whether the animal may be placed for adoption or euthanized. (K.S.A. 21-6412(e).

(ge) If the owner or person having control or custody of such an animal is convicted of violating any provision of section 7-79, and the municipal court judge may order that is satisfied that such animal would in the future be subject to such violation, such animal shall not be returned to or remain with such person. Such animal may be turned over to the director of animal control or licensed veterinarian for sale or other disposition.

(h) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to section 7-79 may be assessed to the owner or keeper as a cost of the case if the owner or keeper is adjudicated guilty of such crime.

(if) If the owner or person having control or custody of such animal is adjudicated not guilty or if the municipal court judge, after an adjudication of guilty is made, finds that such animal should be returned, such person may redeem such animal within 72 hours. If such animal is not redeemed within 72 hours, then such animal may be disposed of in accordance with K.S.A. 47-171004 et seq.

(jg) An order issued by the municipal court judge under this section may be appealed to the district court pursuant to the provisions contained in K.S.A. 60-2101(d).

(Code 1988, § 7-56; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-79. Cruelty to and neglect of animals.

(a) It is unlawful for any person to intentionally kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald with any substance, or overdrive any animal, except that reasonable force may be employed to drive off vicious or trespassing animals.

(b) It is unlawful for any person to drive or work any animal cruelly.

(c) It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter; adequate care, food, health care, shelter, and water. Any animal kept outside shall be provided with a structurally sound, weatherproof enclosure, at least four inches off the ground, large enough to accommodate the animal.

(d) It is unlawful for any owner or keeper to abandon any animal. For purpose of this section, "to abandon" means for the owner or keeper to leave an animal without demonstrated or apparent intent to recover or resume custody or to leave an animal for more than 12 hours without providing for adequate food, water and shelter for the duration of the absence.
ARTICLE III. ANIMAL PROTECTION

(e) It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with a harmful or poisonous substance. It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin that pose a threat to the public health.

(f) It is unlawful for any person to carry any animal or cause any animal to be carried in or upon any vehicle in a dangerous or careless manner.

(g) Legislative Findings. It is the purpose of this section to promote the health and safety of the residents of the city and protect dogs from neglect by reducing the number of improperly tethered dogs. The unified government recognizes that dogs that are continuously and improperly tethered have an increased potential to be poorly socialized, act aggressively toward humans, and be neglected by their owner. In order to better protect the safety of its citizens and the welfare of the animal, restraint by tethering must meet certain standards.

(h) Tethered animals must not:

1. be tethered unattended to any utility pole, parking meter, building, structure, fence, sign, tree, shrub, bench or other object on public property or on private property without the prior permission of the person or agency in charge thereof, and no pet animal shall be tethered within ten (10) feet of, or in such a manner as to permit it to intrude upon, neighboring property, a public sidewalk or street;

2. be tethered directly with chains or other tethers, restraints or implements without the proper use of a collar, harness or other device designed for tethering;

3. be tethered with a chain, leash, rope or tether that is shorter than (10) feet in length;

4. be tethered with a chain, leash, rope, collaring device, tether, or any assembly or attachments thereto that due to weight, inhibit the free movement of the animal within the area tethered;

5. tether a dog in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, posts or other man-made or natural obstacles.

It is unlawful for any person to leave any pet animal or livestock unattended while tethered to any utility pole, parking meter, building, structure, fence, sign, tree, shrub, bench or other object on public property or on private property without the prior permission of the person or agency in charge thereof, and no pet animal shall be tethered in such a manner as to permit it to intrude upon a public sidewalk or street.

(i) It is unlawful for any person to have, keep or harbor any animal that is infected with any dangerous or incurable and/or painfully crippling condition except as hereinafter provided. A municipal court judge may order a person convicted under this section to turn the animal involved over to the animal control division. If, in the opinion of a licensed veterinarian, the animal appears to be diseased or disabled beyond recovery for any useful purpose, the animal may be humanely euthanized. All such animals taken by the animal control division may be destroyed humanely as soon thereafter as is conveniently possible. This section shall not be construed to include veterinary hospitals or animals under active veterinary care.

(j) It is unlawful for any person to attend or solicit attendance at or be an umpire, judge, or other official at a fight staged between any animal and another animal or human.

(k) It is unlawful for any person to cause, instigate, stage, train or torment any animal for or permit any fight between any animal and another animal or human.
ARTICLE III. ANIMAL PROTECTION

(jk) It is unlawful for any person to give or to offer to give a live animal as a prize, a business inducement, or any other form of gratuity, except purebred livestock given away as a part of a farm youth organization program.

(ml) It is unlawful for any person to use as a toy or for display or decorative purposes, to sell or offer for sale, to expose for sale, to subject to any form of mistreatment or careless handling, or to dye any newly hatched fowl or newly born rabbit.

(mm) It is unlawful for any person to confine calves, sheep or hogs by tying their legs, except during a properly licensed rodeo, or in any way confine them in closed boxes or otherwise, or have in his possession any calves, sheep or hogs so tied or confined, or load into any freight car or into any other conveyance, for the purpose of transportation, any animal in a cruel or inhumane manner.

(qn) It is unlawful for any person to induce or encourage any animal in an animal exhibition, rodeo or circus to perform through the use of the chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

(po) It is unlawful for any person to display for sale, sell, exchange, barter, or give away any animal except in the following places:

1. A commercial animal establishment having a valid business license and licensed with the Kansas Department of Agriculture.

2. A private kennel or cattery licensed with the Kansas Department of Agriculture, registered under this chapter.

3. A private residence, provided that should the residence exceed the limit of animals sold under K.S.A. 47-1701(f), that residence is licensed with the Kansas Department of Agriculture.

(qp) It is unlawful for any person to intentionally use a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall for the purpose of sport or entertainment.

(rc) The provisions of this section shall not apply to:

1. Normal or accepted veterinary practices;

2. Bona fide experiments carried on by commonly recognized research facilities;

3. Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. 32-101 et seq. or K.S.A. 47-101 et seq.;

4. Rodeo practices accepted by the Rodeo Cowboys’ Association;

5. The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control by the owner thereof, by the agent of such owner residing outside of a city, by the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, by a licensed veterinarian at the request of the owner thereof, by any officer or agent of an incorporated humane society, by the operator of an animal shelter or pound, by a local or state health officer, or by a licensed veterinarian five working days following the receipt of any such animal with tags identifying its owner at such society, shelter or pound;

6. With respect to farm animals, normal or accepted practices of animal husbandry;

7. The killing of any animal by any person at any time which may be found outside the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

8. An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods; or

9. Laying an equine down for medical or identification purposes.
ARTICLE III. ANIMAL PROTECTION

(af) As used in this section, the term "equine" means a horse, pony, mule, jenny, donkey or hinny.

(te) Cruelty to animals is a Class A violation.

(Code 1988, § 7-57; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-80. Rescue from vehicles.

Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endanger its life, as determined by an animal control officer and/or law enforcement officer, law enforcement may the animal control officer may, with assistance from the police, enter such vehicle and rescue such animal and impound it. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded.

(Code 1988, § 7-58; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-81. Animals injured by motor vehicles.

Every operator of a motor vehicle or other self-propelled vehicle upon the streets and ways of the city, except emergency vehicles, shall immediately, upon injuring, striking, maiming or running down any animal, notify the police department of the location, and the police department will notify such agency as may be providing injury services.


Secs. 7-82—7-105. Reserved.

FOOTNOTE(S):

--- (3) ---

Cross reference— Injury to a domestic animal, § 22-85. (Back)

State Law reference— Cruelty to animals, etc., K.S.A. 21-4310 et seq.; animal dealers, K.S.A. 47-1701 et seq. (Back)
Chapter 7 - ANIMALS

ARTICLE IV. ANIMAL BITES AND DISEASE CONTROL

Sec. 7-106. General powers of director of health.
(a) In the event that the director of health determines that a rabies or other zoonotic disease control emergency exists, the director shall so declare, stating the boundaries of the affected area, and the director may issue emergency regulations and take all necessary steps within the provisions of this chapter and state law to abate the threat. Such emergency steps and regulations shall be in effect only during the period of the declared emergency.

(b) The director of health may issue standing regulations for rabies and zoonoses control that the director finds necessary to protect the public health which shall be filed with the unified government clerk. Such regulations shall be in keeping with the U.S. Public Health Service guidelines and state law.

(c) The director of health may issue a proclamation ordering persons owning, keeping or harboring animals to muzzle or confine such animals, by good and sufficient means, to the house, stable, outhouse, or yard wherein such person may reside or at a properly licensed kennel for such a time as may be specified in such proclamation, and each person keeping or harboring any dog shall confine the same by good and sufficient means within such person's house, yard, stable or outhouse or have such dog properly and securely muzzled during the time specified in such proclamation. Animals found running at large within the city during the time so specified by the proclamation, without being securely muzzled, may be killed by any police officer.

(Code 1988, § 7-60; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-107. Human exposure to zoonotic diseases by animals other than dogs or cats.
(a) Any bite wound by an animal other than a dog or cat exposing an individual to the possibility of rabies or other zoonotic disease (hereinafter referred to as "incident") shall be immediately reported to the director of animal control by the victim and by the owner, keeper or harborer of the animal if the incident is known to such person. Any animal bite that requires medical treatment shall be reported within 24 hours to the director of health or the director of animal control by the treating physician or hospital caring for the patient. It is the duty of the health department to promptly notify the director of animal control of any such bite reported to the police.

(b) It is unlawful for the owner, keeper or person harboring the animal involved in such incident to release it from custody, to hide or conceal such animal, or to take or allow such animal to be taken

Wyandotte County - Unified Government, Kansas, Code of Ordinances

Page 1
ARTICLE IV. ANIMAL BITES AND DISEASE CONTROL

beyond the limits of the city, unless so authorized by the director of health, until an observation period stipulated by the State of Kansas Department of Agriculture director of health for the particular species of animal is over or such period is ruled unnecessary by the director of health.

(c) It is the duty of such owner or keeper, upon receiving notice of such incident, to immediately place the animal involved in a duly licensed veterinary medical facility, the address of which must be furnished to the director of animal control at once, or in the unified government animal shelter where such animal shall be isolated and confined for observation. The owner or keeper of an animal involved in a biting incident is liable for the cost of confinement and observation. (K.A.R. 28-1-13).

(d) The death or any suspicious change in health or behavior of any such animal undergoing observation shall be reported immediately by the observing authority to the director of health or the director's designee, representative. In the event that a proper period of observation is undetermined or undeterminable for the species of animal involved in an incident, the director of health may order whatever laboratory examination of the animal or the animal's tissues is required by prudent medical practice for the protection of the victim, and no liability for damages shall arise from any injury to or the death of the animal occasioned by the laboratory examination.

(e) When an animal involved in an incident is outside the city, the director of health or the director of animal control shall forward information concerning the incident to the appropriate authority of the jurisdiction of residence of the owner, keeper or harbore or the appropriate state health department for coordinated disease prevention.

(Code 1988, § 7-61; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-108. Domestic dog and cat bites resulting in human exposure to rabies.

(a) Any bite wound by a dog or cat exposing an individual to the possibility of rabies or other zoonotic disease (hereinafter referred to as "incident") shall be immediately reported to the director of animal control by the victim and by the owner, keeper or harbore of the animal if the incident is known to such person.

(b) It is the duty of every owner or keeper of any dog or cat upon receiving notice or having knowledge of the involvement of his pet in a human exposure to the possibility of rabies or other zoonotic disease by biting (hereinafter referred to as "incident") to immediately contact the Director of Animal Control for instruction on quarantine for the biting animal. Quarantine location and period shall be regulated by the State of Kansas Department of Agriculture, through K.A.R. 28-1.13, and any amendments thereto, place such animal in a duly licensed veterinary medical facility, the address of which must be furnished to the director of animal control at once, or in the unified government animal shelter, or licensed kennel approved by the director of animal control, where such animal shall be isolated and confined for observation for ten consecutive days from and including the day of the incident. However, any city police department canine and/or any assisting police canine from other law enforcement agencies involved in an incident may continue on active duty.

(c) It is unlawful for the owner harboring the animal involved in such incident to release it from custody, to hide such animal, or to take or allow such animal to be taken beyond the limits of the city, unless so authorized by the director of health, until the period of confinement and observation here required is completed. The owner or keeper of such animal involved in an incident shall be liable for the cost of confinement and observation.

(d) The death or any suspicious change in the health or behavior of any such dog or cat undergoing observation shall be reported as soon as possible by the observing authority to the director of animal control and the director of health or the director's designee.

(e) The director of health or the director's designee may authorize confinement other than described in this section as he finds medically appropriate, providing such animal will be controlled and observed.
Chapter 7 - ANIMALS

ARTICLE IV. ANIMAL BITES AND DISEASE CONTROL

in accordance with the owner's signed agreement, but only if such dog or cat has been vaccinated for rabies within the past 12 months and is duly licensed as provided in this chapter.


Sec. 7-109. Nonfamily bite violations.

Any owner of any animal that inflicts a bite to a human shall be deemed guilty of a misdemeanor, provided such human is not related by blood or marriage to the owner of such animal.

(Code 1988, § 7-63; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-110. Destruction of animals and rabid animal investigation.

(a) If any dangerous, fierce, or vicious dog, cat or other animal believed involved in an incident (as the term "incident" is used in sections 7-107 and 7-108) cannot be safely captured or prevented from escaping by usual means, such animal may be slain by a police officer or animal control director.

(b) In all cases where such animal may have exposed a person to rabies and is slain before the completion of the observation period stipulated for the species by the director of health, it shall be the duty of any person slaying such animal to forthwith deliver or cause to be delivered all the remains of such animal to the director of animal control. If the animal is slain by a police officer, the officer shall contact the director of animal control to arrange pickup of the remains. Particular care shall be taken to preserve the head of the slain animal. A departure from this procedure must be requested of and authorized by the director of health.

(Code 1988, § 7-64; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-111. Animals in transit.

For the purpose of disease or injury control, the director of animal control may impound and observe pets in transit through the city at the request of any official animal control agency, health officer, or law enforcement agency of another jurisdiction.


Sec. 7-112. Confinement of animals bitten by rabid animals.

The owner of any animal known to have been bitten by a rabid animal or by an animal suspected of being rabid shall immediately notify the director of animal control. The animal shall be confined for a period determined by the director of health, and if determined to be rabid by a licensed veterinarian, shall be destroyed immediately.


Secs. 7-1123—7-137. Reserved.
ARTICLE VI. DOGS AND CATS

DIVISION 1. - GENERALLY

DIVISION 2. - REGISTRATION

DIVISION 3. - PATROL DOGS

DIVISION 4. - DOG KENNELS
Chapter 7 - ANIMALS
ARTICLE VI. - DOGS AND CATS

DIVISION 1. GENERALLY

Sec. 7-210. Enumeration and record; notice to register.

Sec. 7-211. Consent to remove female in heat.

Sec. 7-212. Maximum number.

Sec. 7-213. Rabies inoculation required.

Sec. 7-214. Parasite control.

Sec. 7-215. Nuisance animals.

Sec. 7-216. Dangerous animals.

Sec. 7-217. Vicious animals - Prohibited.

Sec. 7-218. Confinement of females in heat.

Sec. 7-219. Pit bull dogs.

Secs. 7-220—7-260. Reserved.

Sec. 7-210. Enumeration and record; notice to register.

It shall be the duty of the director of animal control to keep a record of all dogs and cats owned, kept or harbored within the corporate limits of the city and to make and keep a correct record of all such dogs and cats currently registered, with the name and place of residence of the owner or keeper thereof, and to serve notice on such owner or keeper to register the same as provided by this chapter.

(Code 1988, § 7-121; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-211. Consent to remove female in heat.

Any female dog or cat in heat and not confined in a building or solid enclosure as required by section 7-218 may be removed from the property of its owner or keeper to the shelter to abate such nuisance.


Sec. 7-212. Maximum number.

It shall be unlawful for any person in charge of a residence to keep or to allow to be kept more than two dogs or four cats over 120 days of age or any combination of such animals exceeding five-six in number, but in no case more than two dogs, unless one or more of the following conditions are met:

(1) The residence is licensed as a commercial animal establishment in accordance with K.S.A. 47-1701 and meets local criteria set forth by the unified government.

Comment [u1]: The committee originally agreed to 4 dogs but after further discussion with the KCKPD, the number has been changed to 3.
Chapter 7 - ANIMALS

ARTICLE VI. - DOGS AND CATS

DIVISION 1. GENERALLY

(2) If the individual in charge of the residence is not engaged in the commercial sale of dogs and has a current special use permit to exceed the pet limit issued by the unified government board of commissioners for a dog kennel/Director of Animal Control. This permit shall be renewable every two years. The permit shall cost $350.00 per animal exceeding the limit, in which case the number of animals shall not exceed ten over the age of 120 days.

(3) Animals in residences that are owned by a Kansas licensed animal shelter, pound, or rescue, and are being fostered under the supervision of a Kansas licensed animal shelter, pound, or rescue, and the residence is registered with the Department of Agriculture for the State of Kansas, those animals shall be exempt from being counted toward the pet limit, provided the number of dogs does not exceed more than five adult dogs over six months of age.

(4) The director of animal control shall inspect the premises covered by a permit issued under this division, and, if the animal control director is satisfied from such inspection that the premises are not being maintained in a clean and sanitary manner and free from the accumulation of filth, dirt, debris, or garbage, the director shall notify the owner or keeper of the premises, in writing, to correct the situation and keep and maintain the premises in a clean and sanitary condition, within 24 hours after the notice is served on such owner or keeper.

Sec. 7-213. Rabies inoculation required.

It is the duty of every owner of a dog or cat to have such dog or cat inoculated against rabies. The owner of harborer of such dog or cat shall at all times possess evidence of rabies inoculation consisting of a certificate signed by the licenses veterinarian administering the vaccine. A copy of the certificate of rabies inoculation shall be presented, mailed or electronically delivered to the director of animal control no later than 15 days following the application for license as required by section 7-263. No license shall be issued unless such certificate bears a date within one year prior to the date of license. The veterinarian administering the rabies vaccination shall issue a metallic tag for the particular dog vaccinated, on which shall be distinctly marked the veterinarian's name or veterinary clinic name, address, and tag identification number. The year of issuance also shall be distinctly marked, which shall be the same as the year of vaccination. The owner of any dog which is determined by the director of animal control to be running at large and which is not wearing a collar with identification consisting of owner's name and current address and, if such dog is over five months old, a current rabies vaccination tag, is guilty of a misdemeanor.

Sec. 7-214. Parasite control.

No person shall offer for sale, sell or give away any dog or cat unless such animal has been dewormed or certified in writing by a duly licensed veterinarian to be free of intestinal helminthes in order to prevent the spread of such to other animals and humans. It is the responsibility of the buyer to have the animal reexamined to determine if it is free of parasites.
Chapter 7 - ANIMALS
ARTICLE VI. - DOGS AND CATS

DIVISION 1. GENERALLY

Sec. 7-215. Nuisance Animals.

(a) Excessive animal noise.

(1) No person shall own or keep any animal that, by making excessive noise, disturbs a neighborhood.

(2) The following definitions and conditions shall be specially applicable to enforcement of this section:

(i) **Excessive noise** means and includes any noise produced by an animal that is so loud and continuous or untimely as to disturb the sleep or peace of a neighbor.

(ii) **Neighbor** means an individual residing in a residential structure that is within 200 yards of the property on which the animal is kept or harbored.

(Code 1988, § 7-16; Ord. No. O-22-03, § 1, 6-5-2003)

(b) Property damage. It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate thereon.

(Code 1988, § 7-17; Ord. No. O-22-03, § 1, 6-5-2003)

(c) Running at large—Prohibited; exceptions.

(1) It shall be unlawful for any person owning, keeping or harboring any animal to permit, suffer or allow the animal to run at large within the city. For the purpose of this section, any animal shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harborer to run at large when found outside the residence structure of the owner, keeper or harborer and not effectively physically restrained on a chain or leash or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

(2) A person with a disability using an assistance dog as defined in K.S.A. 39-1113 shall be deemed to be in compliance with subsection (a) of this section.

(3) Official use of dogs by any governmental unit shall be deemed in compliance with subsection (a) of this section.

(4) An owner, while participating in or training for obedience classes or trials, shall be deemed to be in compliance with subsection (a) of this section. Evidence of this shall be shown by the fact that the dog and owner are going through standard obedience exercises, the owner has a leash on the owner's person, and the dog is under immediate control. The dog's tags must be readily available on the owner's person.

(5) A dog shall be considered effectively physically restrained behind a suitable fence if restrained by a properly functioning electronic fence and a properly functioning electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's keeper's, or harborer's property. Dogs confined to residential property of the owner, keeper, or harborer, by an electronic fence and an electronic collar, shall not be permitted to be nearer than ten feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence and an electronic collar in...
ARTICLE VI. - DOGS AND CATS

DIVISION 1. GENERALLY

the front yard of an owner’s, keeper’s or harborer’s property. No dog having been found a dangerous animal, as defined by section 7-216, shall be confined by an electronic fence and an electronic collar. All owners, keepers, or harborers of dogs who use an electronic fence shall clearly post their property to indicate to the public that a dog is confined to the property by an electronic fence and electronic collar.

(6) In order to comply with this section, any electronic fence and electronic collar must be approved by the unified government animal control division. In order to obtain approval, the owner, keeper, or harborer must submit for approval the following information:

(i) The name of the owner, keeper, or harborer;

(ii) Identification of all animals to be restrained by said electronic fence or electronic collar;

(iii) The owner, keeper or harborer shall be required to post signs or notices to clearly indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Said notices shall be posted in such a manner as to notify the public of the location and boundaries of any electronic fence.

(7) Cat control. All cats must be under the control of their owner, keeper or harborer at all times. For the purpose of this section, a cat shall be considered not under control and in violation of this section in the following situations:

(i) If a neighbor complains orally or in writing to the owner, keeper or harborer of a cat that the cat is entering upon the neighbor’s property, then the cat’s presence on the neighbor’s property at any time subsequent to the neighbor’s complaint shall constitute a violation of this section;

(ii) If a cat causes injury to persons or animals;

(iii) If a cat causes damage to property other than its owner’s, keeper’s or harborer’s property, including, but not limited to, breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, flower bed, plant, shrub or tree in any manner or defecating or urinating upon any private property.

(iv) This section does not apply to unowned ear-tipped feral cats.

(Code 1988, § 7-18; Ord. No. O-22-03, § 1, 6-5-2003)

(d) Animals putting person in fear. No person shall own, keep or harbor any animal that jumps upon or threatens persons upon public streets; or without provocation, molests, chases or interferes with persons or vehicles in the public right-of-way by jumping upon, chasing, barking or biting at persons or vehicles. This section shall also apply to animals while being walked on leashes, or otherwise physically restrained.

(e) Animal Injury. No person shall own, keep, or harbor any animal that, without provocation, causes injury to another domestic dog or cat. This section shall not apply to animals injured while trespassing on the owner, keeper, or harborer of the offending animal’s premises.

(f) Same—Violations.

(1) Upon a person’s conviction for a third time involving the same animal in any 24-month period of subsections (a), (b), or (c), in any combination thereof, or first conviction of section (d), shall constitute a “Nuisance Animal.”
(2) No animal may be declared a nuisance if, at the time of violations the person or animal was teasing, tormenting, abusing or assaulting the alleged nuisance animal. No animal may be declared a nuisance if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(3) No person owning, harboring or having the care or custody of a nuisance animal shall suffer or permit such animal to go unconfined beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained.

(4) A nuisance animal is "unconfined" if while on the premises of its owner or harborer such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of the person. Such pen or dog run area must be adequate to ensure the confinement of such dog upon the premises.

(5) Failure to keep a nuisance animal according to the above requirements shall be a separate violation of this Chapter.

(6) The municipal court judge may revoke said person's license for that individual nuisance animal.

(7) It is unlawful for a person to keep, harbor or maintain the animal involved in the violations within the corporate limits of the city when that person's license to keep the animal has been revoked pursuant to this section.

Sec. 7-2165. Dangerous Animals

(a) It shall be unlawful for the owner of any animal to keep or maintain such animal in the city so as to constitute a dangerous animal. A dangerous animal is any animal which has done any of the following:

1. Caused a bite injury, other than a bite that resulted in great bodily harm, disfigurement, or death, to any person, or
2. Killed another dog or cat.

(b) A "bite injury" is any contact between an animal's mouth and teeth and the skin of a bite victim which causes visible trauma, such as a puncture wound, laceration, abrasion, bruise or other piercing of the skin.

(c) Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous if any injury or damage is sustained by a person or animal who, at the time such injury or damage was sustained, was:

1. On the real property of the owner or keeper of the animal, or
2. A member of the household, or
3. Was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime, or
4. If the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(d) Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous based solely on size or breed, or mix of breed; or if death to a dog or cat occurred solely due to a size disparity between the animals and there was no sustained vicious attack on the dog or cat.

(e) Any dangerous animal which is in the custody of an Animal Control Officer and which in the judgment of the Director of Animal Control or Municipal Court judge, would constitute a menace
to the health, safety or welfare of the public if released from custody, may be held pending a hearing on any charges or complaints filed in the municipal court to determine the disposition thereof. If not so determined, the animal may, after having been held pursuant to section 7-108, be returned to its owner, keeper, or harborer until final determination is made by the Municipal Court as to whether a violation of this section has occurred. If returned pending the final disposition of the case, the animal must be kept securely confined and must be muzzled while in public until final determination is made as to whether a violation of this section occurred.

(f) Any violation of this section shall be punishable pursuant to the provisions of section 7-2(f).

Upon conviction, the court may order that the animal be humanely euthanized and direct the Director of Animal Control, or his or her designee, to insure that the order is enforced.

(g) Upon conviction of keeping a dangerous animal, the Municipal Court Judge may order restitution be paid to the victim of the violation of (a).

(h) Upon conviction of keeping a dangerous animal, and the animal returning to its owner, the animal shall be kept subject to the following standards:

(1) Leash and Muzzle. No person shall permit a dangerous animal to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate object such as trees, posts, buildings, etc. In addition, all dangerous animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.

(2) Confinement. All dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel when not indoors, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous animals must be locked with a key or structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house dangerous animals must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition, and must not be the primary enclosure for keeping of the animal. Animal Control Officers shall have the authority to monitor and inspect the keeping of all dangerous animals.

(3) Confinement Indoors. No dangerous animal may be kept on a porch, patio or in a part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when screen doors are the only obstacle preventing the animal from exiting the structure.

(4) Signs. All owners, keepers or harborers of dangerous animals within the city shall within 10 days of conviction, display in a prominent place on their premises a signs easily readable by the public using the words Beware of Dog or Beware of Dangerous Animal, whichever is applicable.

(5) Insurance. All owners, keepers or harborers of dangerous animals must within 10 days of conviction provide proof to the Director of Animal Control of public liability insurance in a single incident amount of $1,000,000 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. The insurance policy will provide that no cancellation of the policy will be made unless 10 days written notice is first given to the Director of Animal Control.

(6) Identification Photographs. All owners, keepers or harborers of dangerous animals must within 10 days of conviction provide to the Animal Control two color photographs of the registered animal clearly showing the color and approximate size of the animal.
Chapter 7 - ANIMALS

ARTICLE VI. - DOGS AND CATS

DIVISION 1. GENERALLY

(7) Microchip. All owners, keepers or harborers of dangerous animals must within 10 days of conviction microchip the animal and provide microchip information to the Animal Control to register the animal as dangerous.

(8) Spaying/Neutering. All owners, keepers or harborers of dangerous animals must within 10 days of conviction spay or neuter the animal and provide proof of sterilization to the Director of Animal Control.

(9) Sale or Transfer of Ownership Prohibited. No person shall sell, barter or in any other way dispose of a dangerous animal registered with the City to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such animal; provided that the registered owner of a dangerous animal may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the city.

(10) Failure to Comply. It shall be unlawful for the owner, keeper or harborer of an animal deemed by the Municipal Court to be a dangerous animal to fail to comply with the keeping requirements and conditions set forth in this article. Any animal found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply with the provisions of this article is deemed a separate offense. Upon conviction, the court shall order the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

Sec. 7-217. Vicious Animals

It shall be unlawful to keep, possess, or harbor a vicious animal within the city limits. A vicious animal means any animal which has caused great bodily harm, disfigurement, or death to any person.

(a) A vicious animal does not include an animal that has caused serious injury to any person while a person was committing a criminal offense, or willful trespass on the property of the owner, keeper, or harborer of the animal. The provisions of this article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.

(b) Upon conviction, the court shall order that the animal be removed from the city or humanely euthanized, and direct the Director of Animal Control to insure that the order is enforced.

Vicious dogs—Prohibited.

(a) No person owning, harboring or having the care or custody of a vicious dog shall suffer or permit such dog to go unconfined beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained.

(b) No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait, or use any dog for the purpose of dog fighting or for the purpose of causing or encouraging the dog to unprovoked attacks upon human beings or domestic animals.

(c) No person shall suffer or permit a vicious dog to be unconfined. An actual attack by such animal upon any person conducting himself in a lawful manner at the time of such attack, whether such attack occurs on or off the property of the owner or custodian of such animal, shall be deemed prima facie evidence that there were not such adequate provisions made in any prosecution under subsection (a) of this section.
ARTICLE VI. - DOGS AND CATS

DIVISION 1. GENERALLY

(d) In this section:

(1) A vicious dog is "unconfined" if while on the premises of its owner or harborer such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of the person described in subsection (a) of this section. Such pen or dog run area must be adequate to ensure the confinement of such dog upon the premises.

(2) The term "vicious" dog means:

a. Any dog with a known propensity, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;

b. Any dog which attacks a human being or domestic animal without provocation; or

c. Any dog trained for dog fighting.

(3) For purposes of this section, where the official records of the director of animal control indicate that a dog has bitten any person, it shall be prima facie evidence that said dog is a vicious dog.


Sec. 7-216. Same—Disposition of.

Upon conviction of failure to comply with any provision of section 7-215, in addition to the usual judgment of conviction, if it shall appear to the municipal judge that such dog is still living, the judge may order that the dog be humanely killed, and direct the director of animal control to enforce that order, and the police department shall assist as may be requested by the director of animal control.


Sec. 7-217. Same—Determination; notice and hearing; confinement or destruction.

(a) Upon the complaint of any person, or upon the director's own volition, the director of animal control may, after written notice of time and place is given to the owner of any dog, hold a hearing to determine whether or not the animal is dangerous or vicious. In making a determination, the director of animal control shall consider the following:

(1) The seriousness of any attack or wound.

(2) The past history of wounds inflicted by the animal.

(3) The potential propensity of the animal to inflict wounds in the future.

(4) The conditions existing when the animal inflicted any wound or wounds.

(5) The conditions under which the animal is kept and maintained.

(b) If the director of animal control determines that the animal is dangerous or vicious, the director may pick up and cause the animal to be destroyed, or in lieu of such destruction, the director may permit the confinement of the animal in a manner and location that the director deems appropriate.

(c) A decision by the animal control director to destroy a dangerous or vicious animal may be appealed in writing to the unified government municipal court within ten days of the date of the decision.

(Code 1988, § 7-128; Ord. No. O-22-03, § 1, 6-5-2003)
Sec. 7-218. Confinement of females in heat.

It shall be the duty of every owner or keeper of a female dog or of a female cat to keep such dog or cat confined in a proper enclosure when it is in heat, so that such dog or cat may not be permitted to run in the yard or other open spaces outside an enclosed structure. Should the owner or keeper of such dog or cat fail to provide a proper enclosure in which it may be kept, the animal control officer may request entry to the premises, and if entry is refused, the animal control director or his authorized representative shall have recourse to every remedy at law to secure entry in order to take and place such dog or cat in the animal shelter or some veterinary hospital in the city, at the cost of such owner or keeper.


Sec. 7-219. Pit bull dogs.

(a) Unlawful to keep. It shall be unlawful to keep, harbor, own or in any way possess within the city limits any pit bull dog. As used in this section, the term “pit bull dog” is defined to mean:

(1) The Staffordshire bull terrier breed of dog;

(2) The American pit bull terrier breed of dog;

(3) The American Staffordshire terrier breed of dog;

(4) Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or any combination of any of these breeds.

(b) No further exceptions. There are no longer exceptions for pit bulls registered with the city as of May 9, 1990, or pit bulls kept as of December 31, 1991, at those locations within the area annexed by Ordinance No. 65653, as there are no pit bulls currently living that were registered as of those relevant dates.

(c) Violations and penalties. Any person violating or permitting the violation of any provision of this section shall, upon conviction in municipal court, be fined a sum not less than $300.00 and not more than $1,000.00. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 90 days. Should the defendant refuse to remove the dog from the city, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this section.

(Code 1988, § 7-130; Ord. No. O-22-03, § 1, 6-5-2003)

Secs. 7-220—7-260. Reserved.
DIVISION 2. REGISTRATION

Sec. 7-261. Required.

(a) It is unlawful for any person to keep any weaned dog or cat past the age of six months in the city, unless the same has been registered for the current year in accordance with this division.

(b) Subsection (a) of this section does not apply to any nonresident owner or keeper of a dog or cat while such nonresident is passing through the city, provided such dog or cat shall remain on a leash or otherwise effectively physically restrained, as in a closed vehicle.

(Code 1988, § 7-141; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-262. Fee.

The owner, keeper or harborer of each dog or cat required to be registered by this division shall pay the director of animal control an annual registration fee in the amount established by the county administrator.

(Code 1988, § 7-142; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-263. Vaccination certificate.

Each person registering a dog or cat under this division shall present, mail or send electronically to the director of animal control a current vaccination certificate showing that the dog or cat has been vaccinated against rabies, as required by section 7-213 within 15 days following registration. The director of animal control shall issue a license to the person and keep a record of the transaction.

(Code 1988, § 7-143; Ord. No. O-22-03, § 1, 6-5-2003; Ord. No. O-44-10, § 2, 7-22-2010)

Sec. 7-264. Registration year.

All dogs and cats shall be registered annually at such times and pursuant to such regulations as are established by the county administrator.

(Code 1988, § 7-144; Ord. No. O-22-03, § 1, 6-5-2003)
Sec. 7-265. Tag—Generally.

At the time of the issuance of the registration certificate provided for in this division, the director of animal control shall deliver to the owner or keeper of the dog or cat a metallic tag or check registration with the letters “K.C.K.”, together with the registration number marked or stamped thereon. The metallic tag or metallic tag or check registration shall be issued once and renewed on an annual basis as provided by section 7-263.


Sec. 7-266. Same—Display.

No owner or keeper of any licensed dog shall allow or permit such dog to be outside of the residence of such owner or keeper at any time other than when enclosed on all sides in a cage or covered dog run without having attached to a collar about the neck of such animal or to a secure body harness the license tag provided for in section 7-265, except when such dog is being trained for or participating in an obedience training course or trial or a dog show or match, provided such dog is not in violation of section 7-18(a)—(d).

(Code 1988, § 7-146; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-267. Spaying and neutering.

(a) Legislative findings. It is the purpose of this section to promote the health, safety and general welfare of the residents of the city by reducing the number of stray dogs and cats. The unified government board of commissioners finds that each year, thousands of dogs and cats are euthanized in the city because they are not wanted. It is the purpose of this section to eliminate the excessive number of unwanted animals and thereby stop the needless killing of these animals by restricting the breeding practices of pet owners and breeders through legislation that is both reasonable and enforceable.

(b) Prohibition. It shall be unlawful to own, possess or keep in the city any dog or cat over the age of six months that has not been spayed or neutered, except as provided in subsection (c) of this section.

(c) Exceptions. The prohibition contained in subsection (b) of this section shall not apply:

(1) If a licensed veterinarian states in writing that an animal is unfit to undergo the required surgical procedure because of an extreme health condition of the animal risk to the animal’s health. Such extreme health condition shall include, but not be limited to, severe cardiovascular compromise, bleeding disorder, respiratory disease or hepatic disease. The old age of an animal shall not, of itself, constitute an extreme health condition for purposes of this section.

(2) If the owner of the animal annually obtains a permit from the animal shelter to possess an animal that is not neutered. The permit shall be issued or renewed only if the director of animal control determines that the following conditions have been met:

a. The animal is examined regularly by a licensed veterinarian;

b. The animal is vaccinated annually for rabies and other common diseases;

c. The animal is housed properly;

d. The owner has not had more than two violations of the provisions of this chapter in the preceding 24 months;
Chapter 7 - ANIMALS
ARTICLE VI. - DOGS AND CATS

DIVISION 2. REGISTRATION

e. The owner pays a permit fee established by the county administrator. The fee is intended to cover a portion of the cost that the unified government currently incurs for each unwanted animal impounded and euthanized;

(3) If an animal is temporarily in the city to participate in a show or event sponsored by a sanctioned animal organization;

(4) If an animal is owned, possessed or kept in the city for fewer than 30 days in a one-year period.


Secs. 7-268—7-297. Reserved.
DIVISION 4. DOG KENNELS

Sec. 7-325. Kennel defined.

In this division, the term "kennel" means and includes any yard, structure, enclosure or other place within the city where three or more dogs over the age of 120 days are kept, except those residences authorized to retain more dogs under the provision of section 7-212.


Cross reference—Definitions generally, § 1-2.

Sec. 7-326. Permit.

(a) It shall be unlawful for any person to keep, operate or maintain a kennel, without first obtaining a permit so to do. Application for such permit shall be filed with the animal control division. Such application shall state the name of the person desiring to keep or maintain a kennel, the location of the premises where such kennel is to be kept and maintained, and any other information that the director of animal control may desire. Such application shall be signed by the applicant and shall bear the date that the application is made. The initial permit fee and annual renewal fee shall be set by the county administrator.

(b) A kennel permit issued under this division shall be renewed annually without charge. Such permit shall not be transferable from one person to another or from one premises to another.

Comment [KB4]: Change to different number of dogs.
Any permit issued under this section may be cancelled by the director of animal control if the holder thereof fails to comply with any notice given him pursuant to section 7-327. No person who had a permit cancelled shall be permitted to make application for another permit within one month from the date of the cancellation of a previous permit.


Sec. 7-327. Notice to correct defective conditions.

The director of animal control shall inspect the premises covered by a permit issued under this division, and, if the health director is satisfied from such inspection that the premises are not being maintained in a clean and sanitary manner and free from the accumulation of filth, dirt, debris, or garbage, the director shall notify the owner or keeper of the dog kennel, in writing, to correct the situation and keep and maintain the kennel in a clean and sanitary condition, within 24 hours after the notice is served on such owner or keeper.

(Code 1988, § 7-183; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-328. General maintenance requirements.

It is a nuisance and unlawful for any person to permit or maintain any dog kennel that is not, at all times, clean and sanitary, and free from dirt, debris or garbage, and free from offensive odors. All dog kennels shall be cleaned daily.


Sec. 7-329. Storage of excreta.

Excreta from pens, if stored on the premises of a dog kennel, shall be stored in metal containers with a fly-tight lid. Proof of proper disposal of excreta shall be provided upon request by the director of animal control.

(Code 1988, § 7-185; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-330. Drainage of premises.

All dog kennels shall be so located that adequate drainage is obtained. Leaky water faucets or water pans under which water dampness may occur will not be permitted.


Sec. 7-331. Location restrictions.
All dog kennels must have a current special use permit granted by the unified government board of commissioners in compliance with the zoning ordinances of the city.


Cross reference—Zoning, § 27-340 et seq.

Footnote(s):

--- (5) ---

Cross reference—Licenses, permits, and miscellaneous business regulations, ch.19.

(Back)
Overview

The Kansas City, Kansas, Code of Ordinances should be updated to help create a humane and safe community. We recommend the following changes to the Code:

- Section 7-215 “Vicious Animals” and 7-109 “nonfamily bite violations” are enhanced and moved to 7-216 “Dangerous Animals” and 7-217 “Vicious Animals.”
- Sections 7-16 “Excessive Animal noise,” 7-17 “Property damage,” 7-18 “Running at large prohibited,” 7-20 “Animals putting person in fear,” moved to 7-215 “Nuisance Animal.”
- Section 7-219 “Pit Bull Prohibition” is removed and replaced with 7-216 “Dangerous Animals” and 7-217 “Vicious Animals.”
- Penalties for violating 7-215 “Nuisance Animal” is increased to First offense, $100.00; Second offense, $200.00; Third offense, $500.00; Fourth offense, or a conviction of section 7-215(f)(5) (Animals putting persons in fear), the court may, in its discretion, impose a fine, revoke license for the animal(s), and/or order the director of animal control to remove the animal from the residence to the unified government shelter for disposition as provided by this chapter.

Frequently Asked Questions

What is a “Nuisance Animal” under the proposed change?
(a) No person shall own or keep any animal that, by making excessive noise, disturbs a neighborhood.
(b) Property damage. It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate thereon.
(c) It shall be unlawful for any person owning, keeping or harboring any animal to permit, suffer or allow the animal to run at large within the city. For the purpose of this section, any animal shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harbinger to run at large when found outside the residence structure of the owner, keeper or harbinger and not effectively physically restrained on a chain or leash or behind a suitable fence or other proper method of physical restraint from which it cannot escape.
(d) Animals putting person in fear. No person shall own, keep or harbor any animal that jumps upon or threatens persons upon public streets; or without provocation, molest, chases or interferes with persons or vehicles in the public right-of-way by jumping upon, chasing, barking or biting at persons or vehicles. This section shall also apply to animals while being walked on leashes, or otherwise physically restrained.
(e) Animal Injury. No person shall own, keep, or harbor any animal that, without provocation, causes injury to another domestic dog or cat. This section shall not apply to animals injured while trespassing on the owner, keeper, or harbinger of the offending animal’s premises.
My neighbor’s dog is always running loose. It has been picked up by Animal Control and they’ve been convicted multiple times. What can be done?
Upon a person's conviction for a third time involving the same animal in any 24-month period of subsections (a), (b), or (c), in any combination thereof, or first conviction of section (e), shall constitute a “Nuisance Animal.” Under subsections (3) and (4), No person owning, harboring or having the care or custody of a “nuisance animal” shall suffer or permit such animal to go unconfined beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained. Failure to keep a nuisance animal according to the above requirements shall be a separate violation of this Chapter. The municipal court judge may revoke said person’s license for that individual nuisance animal.

On my neighborhood walks with my dog we encounter a dog that charges us and chases us, but has never bit me or my dog. What can be done?
You may report this animal and sign a complaint against the owner of the animal to animal control. The owner would by cited by animal control for violating subsection 7-214(d), No person shall own, keep or harbor any animal that jumps upon or threatens persons upon public streets; or without provocation, molests, chases or interferes with persons or vehicles in the public right-of-way by jumping upon, chasing, barking or biting at persons or vehicles. If convicted, the owner must keep the dog according to subsections (3) and (4), and that dog is now a “nuisance animal.” Failure to keep a nuisance animal according to the above requirements shall be a separate violation of this Chapter. So you may call animal control and sign a complaint if the animal continues to go unrestrained. The municipal court judge may revoke the owner’s license for that individual nuisance animal.

Why repeal the breed specific law that prohibits pit bull-looking dogs?
In cities nationwide, breed discriminatory laws have been difficult for animal control to enforce, it has not been proven to keep communities safer, has proven to run cities over-budget, and the current prohibition of pit bull looking dogs in KCK has been expending Animal Control resources targeting dogs based on a dog’s appearance, instead of demonstrated behavior of all dogs in the city. We have learned a lot about dog behavior in the last twenty years and we know there are more reliable methods for preempting dog bites or attacks.

No professional organization that deals with dog behavior or public safety supports breed specific language as a means to achieve a safer community. The American Bar Association, American Veterinary Medical Association, the Centers for Disease Control, Executive Branch of the United States, Association of Professional Dog Trainers, National Animal Control Association, and Kansas Animal Control Association all recommend breed neutral ordinances.

The most comprehensive study on dog bite related fatalities was published in 2013 by the Journal of the American Veterinary Medical Association. The study found a high co-occurrence of factors in these dog bite related fatalities, but breed was not one of them. The study found potentially preventable factors including:

- 87.1% of the cases there was no able-bodied person present to intervene.
- 85.2% of the victim had no familiar relationship with the dog.
- 84.4% of the dogs were not spayed or neutered.
- 77.4% of the victims had a compromised ability, whether by age or physical condition, to manage their interaction with the dog(s).
- 76.2% of the dogs were kept as resident dogs, primarily outside, not as family pets.

The change in the breed specific language to more comprehensive behavior-based language allows for animal control to spend more time on complaints of potentially dangerous dogs – like what we’ve defined
as “nuisance animals:” animals at-large, dogs that demonstrate dangerous behavior but have not yet bitten anyone – and this change will punish reckless owners and repeat offenders, as well as use the data and factors listed above to regulate animals in the city to enhance public safety.

**What other cities have breed-neutral dangerous dog laws?**
Nationwide, 98% of residents live in a city without a breed specific ordinance (BSL). 19 states now prohibit cities from enacting BSL, like what is currently in place in Kansas City, KS. In the Kansas City metro area, the majority of cities do not have BSL. Currently 3 of the 17 cities that have BSL are considering a change to their animal code, including repealing the BSL section. Population-wise, 1,001,694 residents in the metro area live without BSL, and 543,864 live with BSL, excluding Kansas City, KS.

Most of the BSL in the metro area was enacted in 1989-1992. Some of the larger cities in the area that have considered BSL and chose to remain breed-neutral with a comprehensive dangerous dog law are Olathe, KS, Mission, KS, Merriam, KS, and Lee's Summit, MO. Over the last five years Topeka, KS, Bonner Springs, KS, Mission Hills, KS, Garnett, KS, Osowatomie, KS, and several others in the state have repealed their breed specific prohibitions.

**My neighbor’s pit bull got out of his yard and chased my husband, barking and nipping at him. If the pit bull prohibition is repealed does that mean nothing can be done?**
No. Every dog, regardless of breed, is regulated based on their behavior under the proposed revisions to the city code. You may sign a complaint and Animal Control may cite the owners for violation of 7-214(c) and/or (d). If the owner is convicted and the dog is deemed a “nuisance animal” by the court, the owner shall not allow the dog to go unconfined beyond the premises of such person unless the dog is securely leashed and muzzled or otherwise securely restrained. If the owner violates that regulation and the dog gets out after being labeled a nuisance animal, you may sign another complaint for a second violation of keeping a nuisance animal. A judge may revoke the license of a dog that is not being kept in compliance with the nuisance animal regulations once the owner is convicted of a second violation. If a judge revokes the license of that dog, the dog may not be kept within the city limits.

**My dog jumped on my elderly neighbor and knocked her down. Is my dog a “dangerous dog?”**
A dangerous animal is any animal which has done any of the following: Caused a bite injury, other than a bite that resulted in great bodily harm, disfigurement, or death, to any person, or killed another dog or cat. Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous if any injury or damage is sustained by a person or animal who, at the time such injury or damage was sustained, was:

1. On the real property of the owner or keeper of the animal, or;
2. A member of the household, or;
3. Was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime, or;
4. If the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
5. The provisions of this article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.

(b) Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous based solely on size or breed, or mix of breed; or if death to a dog or cat occurred solely due to a size disparity between the animals and there was no sustained vicious attack on the dog or cat.

Depending on the circumstances, however, you may be cited under 7-214(d) for a nuisance animal.
I was bitten by a dog and that dog is now a “dangerous dog” by the court, what happens now?
Upon conviction of keeping a dangerous animal, and the animal returning to its owner, the animal shall be kept subject to the following standards:
(1) **Leash and Muzzle; Confinement:** All dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel when not indoors, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous animals must be locked with a key or structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet; **Confinement Indoors:** No dangerous animal may be kept on a porch, patio or in a part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when screen doors are the only obstacle preventing the animal from exiting the structure; **Signs:** All owners, keepers or harbors of dangerous animals within the city shall within 10 days of conviction, display in a prominent place on their premises a signs easily readable by the public using the words Beware of Dog or Beware of Dangerous Animal, whichever is applicable; **Insurance:** All owners, keepers or harbors of dangerous animals must within 10 days of conviction provide proof to the Director of Animal Control of public liability insurance in a single incident amount of $1,000,000 for bodily injury to or death of any person or persons for or damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal; **Identification Photographs.** All owners, keepers or harbors of dangerous animals must within 10 days of conviction provide to the Director of Animal Control two color photographs of the registered animal clearly showing the color and approximate size of the animal; **Microchip; Spaying/Neutering; Sale or Transfer of Ownership Prohibited.**

There is a dog in my neighborhood that is a “dangerous animal” because it bit a child, but it still gets out of its yard. What can be done?
It shall be unlawful for the owner, keeper or harborer of an animal deemed by the Municipal Court to be a dangerous animal to fail to comply with the keeping requirements and conditions set forth (see above). Any animal found to be in violation shall be subject to immediate seizure and impoundment. In addition, failure to comply with the keeping provisions is deemed a separate offense. Upon conviction of your neighbor not keeping the dangerous dog in the secure fence, etcetera, the court shall order the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

My sister was attacked by my neighbor’s dogs and had to be hospitalized with a broken arm and stitches, can these dogs go back to their owner?
This dog may be declared a vicious dog by the court. It is unlawful to keep, possess, or harbor a vicious animal within the city limits. A vicious animal means any animal which has caused great bodily harm, disfigurement, or death to any person. A vicious animal does not include an animal that has caused serious injury to any person while a person was committing a criminal offense, or willful trespass on the property of the owner, keeper, or harborer of the animal. Upon conviction, the court shall order that the animal be removed from the city or humanely euthanized. Upon conviction of keeping a vicious animal, the Municipal Court Judge may order restitution be paid to the victim up to the maximum amount allowed by law. The owner of a vicious animal shall pay all costs associated with impoundment, removal, or euthanasia of said animal. The owner shall pay any other associated costs incurred.
Summary of Changes by Animal Control Oversight Committee

I. Article I
   a. Sec. 7-1 Definitions – define adequate care, adequate food, adequate health care, adequate shelter, and adequate water. Recognize and define ear-tipped feral cats.
   b. Sec. 7-2 Penalties – enhance penalties section, ensure repeat offenders are subsequently cited.
   c. Sec. 7-13 – exclude unowned ear-tipped feral cats from exotics, wild animals list.
   d. Sec.’s 7-16:20 – moved to “Nuisance Animal” new Sec. 7-215.

II. Article II
   a. Allows animal control to impound any animal in violation of the entire Chapter (following all 14th Amendment requirements).
   b. 7-50 – new language is not a substantive change; mirrors current K.S.A. 47-1710.

III. Article III
   a. Sec. 7-78 – allowing for early forfeiture of animals pending prosecution for violation(s) of this Chapter. Allows animal control to petition the court for the boarding fees of the animal(s) held in cases if owner claims the animals, but will not reclaims the animals; or, alternatively, if it is in the interest of the animal or the public health, safety, and welfare to not release the animal back to the defendant. (see also K.S.A. 21-6412(e)).
   b. Sec. 7-79 – new neglect and cruelty definitions and standards of care (see Sec. 7-1).
   c. Sec. 7-79(g) – outlines new humane tethering standards for animals tethered on private property.

IV. Article IV
   a. Sec. 7-109 – removed language regarding nonfamily bite violations, moved and enhanced for public safety to new “dangerous animal” section, 7-215.

V. Article V
   a. Livestock, specifically hens/chickens/roosters, will be reviewed by the oversight committee subsequent to this proposal.

VI. Article VI
   a. Sec. 7-212 Maximum Number – increase pet limit from 2 dogs, no more than 4 cats, to 3 dogs, 4 cats, or 6 total in number; special use permits to exceed the pet limit goes to animal control, not the board of commissioners with $350.00 fee (renewable every two years); exempts residences fostering for a Kansas licensed shelter, pound, or rescue, from the pet limit for animals under 6 months of age, and exempts up to 6 adult dogs before a foster home must apply for a special use permit; allows animal control to inspect any premises with a special (over the pet limit) permit.
   b. Sec. 7-215 Nuisance Animals (see language); keeping requirements of animals putting persons in fear.
   c. Sec. 7-216 Dangerous Animals (see language); keeping requirements and insurance requirements of animals demonstrating dangerous behavior.
   d. Sec. 7-217 Vicious Animals (see language); no tolerance language.
   e. Sec. 7-219 Strike Pit Bull Dog prohibition; preemptive behavioral language for all animals in 7-215; dangerous behavior by all animals enhanced by 7-215, and no tolerance for vicious animals that cause serious bodily harm as defined in 7-217.
   f. Division 3 (Sec. 7-298:304) Strike Patrol Dog language.
   g. Division 4 (Sec. 7-325:331) Strike Dog Kennel language; only to address pet limit, which is already outlined in 7-212.
Overview

The proposed additions and amendments to the ordinance would change how community cats are handled and cared for in Kansas City, KS. It will enhance public policy, protect animals, and save taxpayers’ dollars.

- Changing the current Catch and Kill policy to Trap, Neuter, and Return (TNR) will result in a humane process of decreasing the community cat population in Kansas City, KS, and will reduce the time and resources the Unified Government expends on trapping and impounding feral cats.
- Community cats will be healthier after being vaccinated and sterilized (neutered) because they will not be going through the mating process, and this will decrease the size of community cat colonies throughout the city.
- The City of Kansas City, KS and taxpayers will incur no expense; the TNR program will be funded through grants and organizations like the Humane Society of Greater Kansas City, Spay & Neuter Kansas City, and Great Plains SPCA.

Proposed Ordinance Changes

- In the proposal drafted by the Animal Control Committee, there is a definition for feral cats which reads (Section 7-1): Ear-tipped feral cat means a cat that is unsocialized to humans and has a temperament of extreme fear or resistance to contact with humans that exhibits a straight-line cutting of the tip of its ear to indicate that it has been sterilized and vaccinated against rabies.
- Ear-tipped feral cats are excluded from Section 7-3, which requires notice to owners of animals running at-large or complaints made against owners of animals found running at-large. Ear-tipped feral cats are un-owned and are therefore excluded from this Section. However, this does not exclude cats that were once feral and are now being owned, or owned cats that are predominantly kept outside.
- Ear-tipped feral cats are excluded from being defined as exotic or wildlife under Section 7-13 which includes “non-domesticated animals” in the definition of exotic animals or wildlife.
- The proposed changes do not exclude feral cats (ear-tipped or not) from Article III, which includes all levels of animal cruelty.
- The proposed changes do not exclude feral cats (non-ear-tipped) from being impounded by animal control upon complaint, however, ear-tipped feral cats will not be impounded as to keep the cat colony closed. The new policy will be to encourage trapping by a local animal welfare organization or individual for vaccination, neutering, and ear-tipping, then returning to the colony to reduce the community cat population.
Frequently Asked Questions

What is a community cat?
A community cat, also known as a feral cat, lives outside without an owner and is not socialized to humans. Community cats live in groups known as colonies.

How many community cats are in Kansas City, KS?
In the past year, there were over 299 stray cats brought to the City of Kansas City, KS animal control facility. Year after year, approximately 10% of cats brought into the facility are community cats and are unadoptable. While this number is low for a city the size of Kansas City, it is primarily because for the last two years animal control is not currently trapping or impounding cats and is only accepting trapped cats from the public. This has been an effort by animal control to implement a TNR program as well as a barn cat program to lower the number of cats killed each year. The adoption of legislative language would put the current practice into the Unified Government’s Code of Ordinances.

What happens to the community cats?
The current practice in Kansas City, KS is Catch and Kill. When a community cat is reported to animal control, after it is deemed a community cat it has to be euthanized, unless there is a barn program open for the cats or it is a kitten that can be socialized. Because community cats have never been around people and are not socialized correctly they cannot be adopted.

Additionally, cat colonies will maintain their population even though a cat has been seized and impounded. For example, taking three (3) cats from the colony is opening the colony up for three (3) cats to be added. The cats can be added a number of ways, especially reproduction.

Changing the process to Trap, Neuter, and Return is humane, cost effective, and good public policy.

What is Trap, Neuter, Return?
TNR is a humane practice of decreasing community cat impact. First, a community cat is trapped in a humane cage. Second, the cat is taken to a veterinarian or animal welfare organization. There the cat is inspected to make sure it is a community cat and not simply an owned outdoor cat. Then, the cat is vaccinated, altered, and ear-tipped. Finally, the cat is returned to its colony.

According to Livable Neighborhoods, a few neighborhood groups in Kansas City have implemented trap, neuter, return in their neighborhood. Although not immediately, over the last few years, including 2013, these neighborhoods have seen a significant reduction in community cat colonies.

Who will provide the TNR services?
The TNR services will be provided by the Humane Society of Greater Kansas City, Spay & Neuter Kansas City, and Great Plains SPCA, and generous donors and grantors who aim to help Kansas City, KS, become a more humane community.

What is ear-tipping?
Ear-tipping is a humane way of signaling that cat has already been through the TNR process. While the cat is being fixed the veterinarian will remove just the tip of the cats ear. Ear-tipping prevents a cat from being seized and impounded multiple times.
Where are the cats returned to?
Community Cats will be returned to their colonies as soon as possible after their surgery. Returning them back to their colony will prevent the colony from filling the void with another community cat.

What if someone doesn’t want community cats near their property?
Unfortunately, there is no way of keeping community cats off of certain properties. Even if the community cats are relocated or euthanized it is very hard to control the entire colony before the colony allows newer community cats to join. If the cats go through the TNR process, there will not be new litters and the decrease will be felt over time.

Individuals have plenty of low-cost options of trying to prevent the community cats on or near their property. Motion activated sprinklers, garden rocks, or citrus smells are known to keep community cats away.

Remember, when a cat is seized and impounded from a cat colony, if the cat does not return, the colony will open for other cats to join. To keep the number of community cats low, the colony must remain intact and neutered.

When will the decrease of community cats be noticeable?
The population decrease will be gradual. The more cats that go through the TNR process the quicker the decrease can be felt. Community Cats that have been through TNR will live a healthier life, and thus, live longer. The community cats can live as long as an owned cat.

What are the benefits of TNR to the community?
Funds that were being set aside for the Catch and Kill method can be reallocated to other life-saving areas within the Kansas City, KS, area. With TNR there will be more room at the animal control facility for adoptable animals because they are not holding community cats, and it will have a precipitous effect on other sheltering agencies like the Humane Society of Greater Kansas City. There will be less cat fights, yowling, odor/spraying, and other nuisances. And the overall goal of reducing the number of community cats will be a direct result of TNR.

What are the health benefits to the community cats?
Male community cats will no longer feel the need to have territorial fights. Female community cats will not have to go through the birthing and feeding process.

Has TNR worked other places?
The city of Jacksonville, Florida, is a fine example of an area that has capitalized on non-lethal alternatives for controlling free-roaming cats. Over a three-year period (2007-2010), Jacksonville saved approximately 13,000 lives and $160,000. Equally important, feline nuisance complaints decreased during this period.

The Feral Fix Program in Salt Lake City, Utah, has also proven to be quite successful. From 2008 to 2010, Salt Lake City’s “save rate” of cats improved over 40%, equaling a total cost savings of approximately $65,000. Shelter cat intake for the years 2009-2010 decreased over 21%. During this same period, there was no increase in feline nuisance complaints.
120155

Status report on the Notice of Need for a fire study
Overview of complete streets